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SOME EARLY INSTANCES OF CONCENTRATION OF
REPRESENTATIVES IN ENGLAND

[T is now a commonplace to state that the three essential conceptions or practices which, taken together, constituted the origin of the House of Commons were *representation*, *popular election* (except in the case of some of the borough representatives), and *concentration*.¹ It has not been hard to show a fairly continuous and

¹ The idea expressed or implied in many of Bishop Stubbs's statements that "political deliberation" was also a regular attribute of the early representatives of the great middle class has not been fully borne out by later studies in the thirteenth century. Political deliberation was a function gained slowly and, for the most part, in the fourteenth century. (See Maitland's Introduction to the *Records of the Parliament of 1305*, p. lxxv.) This statement may seem to carry with it a curious limitation of the representative idea. But there could be representation in the sworn-inquest sense, according to which men were chosen who represented the information and honesty of their class and locality, without, to use Professor Adams's words, "the actual taking part with others in the central body in the discussion of an undecided question and presumably having a voice in its decision". This latter writer has recently shown that the assembled representatives of the counties in the 1254 instance were representatives in an even more tenuous sense. They did not, like a jury, furnish fact or opinion out of their own heads, but came with definite instructions from the county courts like the knights who carried a record of county-court action to the council. Yet the writ says they were elected by the county courts "*vice omnium et singulorum eorundem comitatum*". See Adams, *The Origin of the English Constitution*, pp. 317-322. Were any further argument needed to prove this point about the representatives of 1254, one might easily be based upon a word which occurs in the latter part of the summoning writ. The sheriffs were to impress the royal need upon the knights and others of the counties and induce them to furnish a fitting aid, "*ita quod praedicti quatuor milites praefato consilio nostro ad praedictum terminum praecise respondere possint super praedicto auxilio pro singulis comitatuum praedictorum*". They were to answer *praecise*. It is hardly an exaggeration to say that this word—a word always indicating concise and absolute statement—had a technical meaning in the judicial records of the time. When a jury, that had been "presenting" criminals and furnishing sundry bits of information about the suits which were being conducted before the justices, was pressed in an individual case to give a final opinion, something approaching our modern verdict of guilty or not guilty, the jurors *praecise dicunt*. This phrase occurs again and

connected usage of representation and popular election from the time of the grand-assize juries of Henry II.'s reign and the practice which arose soon after of taking from the sheriff the choice of such other locally employed knights and freemen as that much feared official might use for his own ends. But our knowledge of concentration, the bringing together at one place and time of popularly elected representatives, has long been left in a state which does not satisfy the student of origins. After mentioning in a hesitant way the controverted cases of August and November, 1213, the constitutional histories have jumped over an interval of forty-one years to the famous case of 1254. It has thus appeared that, if there were genuine instances of concentration in 1213,² they could not have served as precedents—the historical beginning of the practice was at the later date. And furthermore it has never been shown whether or not there were in this interval usages or ideas in any way foreshadowing or leading up to the representative assemblies of the last half of the thirteenth century. The 1254 case has been looked upon as the definitive and rather sudden beginning of county representation in a central assembly; and, since the relegation of Simon de Montfort to his proper place in the history of parliamentary beginnings, 1254 has taken rank as the most important date connected with the origin of the House of Commons. It is the object of this article to show, first, that the earliest known general concentration of popularly elected knights of the shire was in 1227;³ and secondly, that during the first half of the thirteenth century concentration was a not uncommon device, used by the king for a variety of purposes, with different elements of the population, and for districts of varied extent; hence a natural expedient in the course of the critical disturbances of the last two decades of Henry III.'s reign.

I. Stubbs has long made familiar the writ of June 22, 1226, ordering that in the county courts of Gloucester, Dorset, Somerset,

again and always indicates a statement final, undebatable, and without qualification. It is hard to believe that it could have been used unwittingly in any royal writ of the period.

² That the idea of concentration was present in 1213 there can be no doubt, though probably the contemplated assemblies did not take place and there is no reason to believe that the men summoned were to have been popularly chosen. On the August case, see my article in this REVIEW, XVII. 12-16. The fact that the summoning writ for the November meeting has been preserved in the Close Rolls has kept this second instance from some of the mystery surrounding the first. See Stubbs, *Select Charters* (ninth ed.), p. 282.

³ It is not the purpose here to discuss the institutional relation of the 1227 assembly to the assemblies of representatives subsequent to 1254 or to determine which precise type or form of representation and concentration, that used in 1227 or that used in 1254, was adopted in the later instances.

Bedford, Buckingham, Westmoreland, Northampton, and Lincoln four knights be chosen to represent their respective counties at a meeting to be held at Lincoln September 22 following.⁴ The object of the meeting was to hold a hearing on contentions which had arisen in these counties between the people and the sheriff over certain articles of Magna Carta; and the sheriffs were also to be present at Lincoln to state their position. Stubbs took this document from the *Reports on the Dignity of a Peer* (London, 1820-1829), appendix I., page 4. The committees compiling this famous work took it from the manuscript of the Letters Close, 10 Henry III., memb. 13, in dorso. When the Record Commissioners published the Close Rolls of the years 1204-1227, it appeared in volume II., page 153.⁵ Stubbs remarks in his prefatory note that the

writ is an interesting illustration of the extending use of the election of representatives to act for the shire, in matters neither judicial nor exclusively financial. The business on which they were called together, the disputed interpretation of some articles of the Great Charter, although not distinctly declared, is more of the character of *political deliberation* than anything that has hitherto been laid before them. It is not however, in this respect, of any great significance.

It seems strange that he did not remark upon the assembly feature of the writ. The gathering at Lincoln of thirty-two representatives, four from each of eight counties, is not without interest. But neither Stubbs nor the Lords' Committees appear to have noticed that this writ was cancelled. On September 2 the king wrote to the sheriffs concerned that he could not be at Lincoln on the day set and that no one was to be sent from the counties on this business until

4 "Rex vicecomiti Gloucestresciraie, salutem. Scias quod, ad petitionem magnatum nostrorum qui ad mandatum nostrum nuper convenerant apud Wintoniam, diem statuimus, videlicet in crastino Sancti Matthaei Apostoli anno regni nostro decimo, apud Lincolniam ad terminandum contentiones ortas inter quosdam vicecomites nostros et homines comitatum suorum super quibusdam articulis contentis in carta libertatis eis concessae; et ideo tibi praecipimus quod si qua hujusmodi contentio inter te et homines bailliae tuae orta fuerit pro qua averia sua ceperis, averia illa eis replegiari facias usque ad diem praedictum, et in proximo comitatu tuo dicas militibus et probis hominibus bailliae tuae quod quatuor de legalioribus et discretioribus militibus ex se ipsis eligant, qui ad diem illum sint apud Lincolniam pro toto comitatu, ad ostendendum ibi querelam quam habent versus te super articulis praedictis. Et tu ipse ibidem sis ad ostendendum rationem de demanda quam inde facies versus illos. Et habeas ibi nomina militum et hoc breve. Teste me ipso apud Wintoniam, xxii. die Junii, anno etc. decimo."

"Eodem modo scribitur vicecomitibus Dorset, et Sumers. et Bedeford, et Bukingeham.; Westmerilande; Norhamt.; Linc." Stubbs, *Select Charters*, p. 353.

5 *Rotuli Litterarum Clausarum* (2 vols., London, 1833-1844). The writ is also cited in those volumes of the Parliamentary Papers commonly known under the title *Members of Parliament* (3 vols., London, 1878), I. 1. Here it stands between the second of the 1213 writs, which is the first entry, and the 1254 writ.

further word from him.⁶ This indicates that the king had intended to be present at the meeting; also that the project was not given up, but merely postponed. Not only was it not given up, but as time passed it appears to have grown more important in the eyes of those in authority. It was found that more than eight counties were concerned; indeed a nation-wide hearing on these disputes proved necessary, and on August 13 of the following year this writ was issued to the sheriffs of England:

Rex Vicecomiti Cumberl' salutem. Precipimus tibi quod in pleno Comitatu tuo dicas militibus et probis hominibus baillie tue quod quatuor de legalioribus et discretioribus militibus ex se ipsis eligant qui sint coram nobis apud Westm' a die Sancti Michaelis in tres septimanas pro toto comitatu ad ostendendum ibi querelam si quam habeant adversum te super articulis contentis in carta libertatis eis concessa et tu ipse tunc sis ibi ad ostendendum rationem de demanda quam inde facis versus illos. . . . Et habeas ibi summonitores et nomina militum et perambulatorum et hoc breve. Teste Rege apud Norhamt', XIII. die Augusti anno etc. undecimo.

This summons was sent to thirty-five counties, which were specified by name.⁷

The language of the writ leaves no doubt that the four knights were representatives; they were to appear *pro toto comitatu*. It is

⁶ "Rex Vicecomiti Sumerset' et Dorset' salutem. Scias quod pro magnis et arduis negociis nostris quibus oportebit nos intendere non possumus apud Linc' venire in crastino Sancti Matthei Apostoli sicut provisum fuit apud Winton' ad terminandum contentiones ortas inter quosdam Vicecomites nostros et homines Comitatum suorum super quibusdam articulis contentis in carta libertatis eis concessa. Et ideo tibi precipimus quod si que hujusmodi contencio orta sit inter te et homines Comitatus tui, pro qua milites et homines ejusdem Comitatus illuc essent venturi; statim visis litteris istis clamari facias per totam bailliam tuam; ne occasione predicta aliquis illuc veniat; donec aliud inde preceperimus. Teste Rege apud Wigorn', 11. die Septembris."

"Eodem modo scribitur Vicecomitibus Glouc', Bedef' et Buk', Westemeril', Norhamp', Linc'." *Rot. Litt. Claus.*, II. 154.

⁷ This specification by name on the roll was undoubtedly because the writs to some of the counties included also the following summonses and commands relating to forest: "Summone eciam per bonos summonitores omnes forestarios de feoda in baillia tua quod tunc sint coram nobis ostensuri quo tempore et per quem et quo waranto baillias suas teneant. Summone eciam per bonos summonitores omnes illos de baillia tua qui ante perambulacionem foreste factam per preceptum nostrum videlicet post confectionem carte nostre de libertate foreste usi sunt libertate foreste de chacia videlicet vel quietancia vel aliqua alia libertate ad forestam pertinente quod tunc sint coram nobis ostensuri quo tempore et per quem et quo waranto ipsi et antecessores sui predictam libertatem habuerunt. Diligenter autem inquiri facias qui fuerint perambulators predicti perambulacionis et eos habeas coram nobis ad predictum diem ostensuros quare per preceptum nostrum eis factum de predicta perambulacione facienda inter partes illas comitatus tui que foresta fuerunt ante coronacionem Henrici Regis avi nostri et partes illas que postea fuerunt afforestate deafforestaverunt in perambulacione sua quasdam partes comitatus tui que ante predictam coronacionem foresta fuerunt. Scire eciam nobis facias evidenter et distincte ad

equally certain that they were to be popularly elected, and that they were to come up from their respective counties to meet at the same place and time. Of the generality of the summons, something further must be said. In entering the 1254 writ on the roll, no list of counties was given; the belief that it was sent to all the sheriffs is based upon (1) the nature of the business disclosed in the writ, *viz.* a money grant; (2) words which precede the entry on the roll of the writ sent to the sheriff of Bedford and Buckingham: "Forma directa magnatibus et vicecomitibus Angliae"; (3) the official correspondence relating to this grant which has been printed in the *Royal Letters* and the *Foedera*. In our present 1227 writ, a list of thirty-five counties is given. This is the same number which we find named in the "returns" to the summons to the Model Parliament of 1295.⁸ But at both these dates there were, according to general reckoning, thirty-seven counties. A scrutiny of the lists shows that the counties not appearing on the roll in 1295 were Norfolk and Suffolk, and those not appearing in 1227 were Westmoreland and Cornwall. But one does not doubt that all thirty-seven counties were represented in the Model Parliament; the writ to the sheriff

eundem diem quos boscos vel quas partes de dominicis nostris predicti perambulatores deafforestaverunt in predicta perambulatione cum de dominicis nostris deafforestandis nullum habuerint warantum."

In this form the writ was sent to Cumberland, Lancashire, York, Lincoln, Northampton, Stafford, Shropshire, Worcester, Hereford, Gloucester, Devon, Somerset, Dorset, Hampshire, Wiltshire, Surrey, Essex, Hertford, and Oxford. Without the forest clauses it was sent to Nottingham, Derby, Warwick, Leicester, Rutland, Cambridge, Huntingdon, Berkshire, Bedford, and Buckingham; but with this explanatory note appearing on the roll: "quamvis sint infra forestam non habuerunt magnam formam eo quod quieti fuerunt, set habuerunt parvam formam cum Vicecomitibus subscriptis." Also without the forest clauses (and these are the counties whose sheriffs are referred to in the last two words of the passage just cited), the writ was sent to Northumberland, Sussex, Kent, Middlesex, Norfolk, and Suffolk. These writs bear the same date and were sent from the same place. *Rot. Litt. Claus.*, II. 212-213. Stubbs's only notice of these writs is, strangely enough, under the caption, "The remedial measures of the county court", where he remarks that "in 1226 and 1227, on occasion of a dispute as to the administration of the counties, Henry III. ordered the sheriffs in the next county court to bid the knights and good men of the county to choose from among themselves four lawful and discreet knights to appear at Lincoln and Westminster to allege the grounds of complaint". *Const. Hist.*, § 208. Hatschek, who repeats Stubbs's reference (*Englische Verfassungsgeschichte*, p. 212), appears not to be conscious that more than a single county sent up the four knights. He mentions only Gloucester. Obsessed by the idea that the shiremoet was the prototype in little of the House of Commons, Stubbs was prone to exalt its functions as far as 1254 (*e. g.*, his "case of the shiremoet of Yorkshire in 1220", *ibid.*, § 209) and then failed to note that the 1254 case was one of the very few instances in which the county courts acted authoritatively on taxation, his word being largely responsible for the continuance of the 1254 tradition.

⁸ *Parliamentary Writs*, I. 34-45.

of Lincoln is entered in the roll with these words appended: "Consimiles littere diriguntur singulis Vicecomitibus per Angliam".⁹ Some accident or a scribe's carelessness has left the "returns" incomplete. The omission of Westmoreland from the 1227 list must be ascribed to a similar cause. For it is to be noted that in the first summons of eight counties on this same matter, Westmoreland was among the eight.¹⁰ It cannot be supposed that a year later, when the king found it necessary to hold a national investigation of these troubles, he should omit one of the first counties in which the contentions had become acute. As to Cornwall, its name may have been omitted for the same reason; but Cornwall was still in a primitive state early in the century, and it may be that a summons was not sent to it. Thus evidence of the national character of this assembly is as good as for 1254, and certainly more detailed; it is the same as the evidence for county representation in the Parliament of 1295.

It is natural to inquire next whether these representative knights, upon their gathering at Westminster, became in any way associated with a general meeting of the greater barons. In the case of the 1254 assembly, it has often been assumed that there was some such association, foreshadowing the two-house Parliament of a later day.¹¹ Professor Adams has recently argued, as it seems conclusively, that the council before which the knights appeared on that occasion was not a great council, the king's council in continuous session.¹² Some study of the language of the period adds another argument leading to the same conclusion. *Consilium*, the word used in this instance, was, in addition to its old meaning of counsel, from the beginning of Henry III.'s reign, used regularly for the smaller assembly, the ancestor of the Privy Council, whereas in nearly every case in which a large assembly of barons was referred to, whether in chronicle or official record, *concilium* was used. Or the distinction may be expressed in this way: a council in connection with which a date was named, indicating limited duration, the temporary presence of many magnates, was *concilium*; advice, deliberation, or the counselling

⁹ *Parliamentary Writs*, I. 33.

¹⁰ See above, note 4.

¹¹ Stubbs states: "The regents therefore summoned a great council to Westminster on the 26th of April [1254], at which four chosen knights from each county, and representatives of the clergy of each diocese, were directed to report the amount of aid which their constituents were prepared to grant." *Constitutional History* (1875), II. 68. And Medley says, "The sheriffs were directed to send up to a Council at Westminster two knights chosen by the county." *Constitutional History*, p. 131. The use of the indefinite article makes clear the implication that this was not the ordinary king's council.

¹² Adams, *Origin of the English Constitution*, pp. 320-321, note 6.

body that was in continuous session, the thing made up of the king's *consiliarii*, was *consilium*.¹³ Nothing is said of the body before which the representatives of 1227 were expected to appear; but in view of the very many and continuous activities of the *consilium* throughout the minority just closed, the kind of business to be considered at this meeting, the expected presence of the king, and the place of meeting, there is every reason to believe that it was the same body which listened to county representatives twenty-seven years later.

The main purpose of assembling these knights of the shire was, it is clear, to get information—information of an unofficial sort, the people's side of the story. But they did not, as in 1254, come as instructed delegates; they did not bear the record or findings of a local assembly which had deliberated in advance upon the subject under consideration. They were juries representing the honesty

¹³ The evidence from Henry III.'s reign bearing on this point is so vast as to prohibit the introduction here of anything beyond a few typical portions which will illustrate its character and extent. The following references to the *Close* and *Patent Rolls* for the two years 1217 and 1218 all show *consilium* used to indicate the king's council: *Close Rolls*, I. 317, 320, 325 (*bis*), 335, 336, 348, 353, 354, 357, 358, 360, 361 (*ter*), 363, 366, 376 (*bis*), 377 (*bis*), 378 (*ter*), 382, 383, 404, 405; *Patent Rolls*, 1216–1225, pp. 47, 48, 69, 86, 93, 108, 109, 110, 128, 129, 134, 181, 183. Especially interesting is the usage on p. 360 of the *Close Rolls* where *consilium* is the subject of a transitive verb: "Rex Constabulario de Rokingham et Baillivis suis salutem. Sciatis quod consilium nostrum inquisivit per dilectum et fidelem nostrum Hugonem de Nevill' quod Willelmus de Duston' fecit essartum", and that on p. 183 of the *Patent Rolls*; a certain election to the church of Lismore in Ireland was announced in the presence of the papal legate, "coram consilio nostro . . . Sed statim obiectum fuit eis a consilio nostro quod nulla fuit electio illa, nec rite celebrata . . . porrigentes consilio nostro literas." Note that something was done *before* the council, an objection was made *by* the council, and letters were presented *to* the council. Surely the "slow and subtle process" of personification had begun. I have found but one exception to the rule in the years under consideration: on p. 145 of the *Patent Rolls* *concilium* is used where we should expect *consilium*. As to the regular uses of *concilium* in these years, instances may be found in *Close Rolls*, I. 319, 336, 349; and *Patent Rolls*, pp. 97, 99, 103–104. These all manifestly refer to special assemblies of the magnates, assemblies called for specific dates. For instance (*Pat. Rolls*, p. 97), "Walterus de Dunstanville et Johannes filius Alani habent litteras de conductu, duraturas usque ad concilium quod erit a die Sancti Michaelis in tres septimanas." On pp. 100 and 557 of the *Patent Rolls*, the Lateran Council of 1215 is referred to as *concilium generale* and *concilium Romanum*. To select a later period, the following references from the volume of *Close Rolls* covering 1237–1242 (the latest yet printed for this reign) show *consilium* indicating the king's council: pp. 66, 190, 252, 436, 444, 446 (*bis*), 453, 464, 467, 470 (*ter*), 471, 473, 480 (*bis*), 481, 482, 486, 489, 530. I have found one exception in this volume: on p. 491 *concilio* is found where *consilio* would be regular. Possibly this is a typographical error. It may be remarked here that occasions of doubt in transcribing the manuscript would seldom arise. In the thirteenth-century script, the distinction between *s* and *c* was very sharp.

and knowledge of their respective localities; and popularly elected in order that this their jury character might not be contaminated by shrieval influence. But all kinds of juries did more than furnish facts in a mechanical way; to some extent they judged facts, even at this date. It is hard to believe that one hundred and forty knights from all parts of England met at Westminster on a mission which must have interested them deeply without some comparing of grievances, interchange of opinions, or, if you please, deliberation. And surely the subject-matter was political. If what has been recently argued of the knights of 1254 be accepted,¹⁴ it must be concluded that the assembled representatives of county and borough in the early fourteenth century resembled in function the representatives of 1227 rather than those of 1254.

II. In dealing with the minor and partial instances of concentration which are scattered through the first half of the thirteenth century, it will be convenient to group those of a similar nature. Concentration of borough representatives, even from very limited numbers of boroughs, is interesting as a probable source of the idea to which afterwards Simon de Montfort and others gave more general application. It is quite natural that the Cinque Ports, long a recognized group, should furnish an early instance and it is surprising what slight account has been taken in this connection of the king's adaptation for his own or national purposes of the local machinery of their assemblies. In 1204 this order was sent in the king's name by Geoffrey Fitz Peter:

Rex etc. Baronibus quinque portuum salutem. Mittimus ad vos venerabilem patrem nostrum dominum Cant' Archiepiscopum et fidelem nostrum R. de Cornhill' Vicecomitem de Kent vel illos, quos idem Archiepiscopus per litteras suas patentes loco suo mittere voluerit; ad loquendum vobiscum de negociis nostris. Et ideo vobis mandamus quod ad diem et locum que vobis posuerit; ad illos XII vestrum de quolibet portu veniatis, et servitium nostrum sicut vobis dicent faciatis. Ita quod vobis grates scire debeamus. Teste G. filio Petri apud Sanctum Albanum, xxx. die Januarii.¹⁵

Here was contemplated an assembly of sixty burgesses, twelve from each of five boroughs; and the object of the meeting was stated in much the same language as in the well-known summonses of 1261 and 1264.¹⁶ On January 13, 1225, the king, who was at Romney,

¹⁴ See above, note 1.

¹⁵ *Rot. Litt. Pat.*, p. 38.

¹⁶ Stubbs, *Charters*, pp: 393, 403. The second of these, which contained Simon's famous extension of representation to boroughs, treated the Cinque Ports as a group, and asked for four representatives from each instead of the two asked of each of the other boroughs. See *Reports on the Dignity of a Peer*, app. I., pp. 34-35.

addressed an order to the Barons of the Cinque Ports to the effect that they should convene at Sheppey and there mutually consider ways and means of defending the sea against the king's enemies. Then follows this statement:

Provisionem autem et consilium vestrum nobis scire faciatis apud London in crastino Purificationis Beate Marie¹⁷ per duos de discretioribus et legalioribus hominibus de singulis portubus vestris, sub sigillis singulorum portuum vestrorum ut, habitis consilio vestro et prudentia vestra unacum consilio magnatum nostrorum qui tunc ibi nobiscum aderunt, quod sanius et consultius nobis et regno nostro et vobis fuerit provideamus de premissis.¹⁸

The last half of the letter contains detailed instructions concerning the business to be transacted at the Sheppey meeting and the data to be carried under seal to London by the legal and discreet men. This was, on a small scale, the device used in 1254. The two men from each port came not to counsel with the king at London, but to bear the record of a meeting held in the locality. Their function was even more like that of the four knights from each county who in 1258 were summoned to report on the sheriffs' abuses; in both cases the results of local findings were brought under seal. There is, however, in this case no indication of the method of appointing the two legal and discreet burgesses;¹⁹ and it is interesting to note that they were not to present their report to the king's ordinary council, for the words *magnatum nostrorum qui tunc ibi nobiscum aderunt* show the expectation of some special assemblage of magnates at the time appointed. In January, 1235, a somewhat more significant summons was issued.

Rex ballivis suis portus Dovor' salutem. Mandamus vobis, firmiter injungentes quatinus xii de melioribus hominibus de villa vestra venire faciatis coram nobis apud Dovor' die Dominica proxima post instans festum Purificationis beate Marie, ad loquendum nobiscum de negociis nostris. Teste rege apud Westmonasterium, xxv. die Januarii.

¹⁷ An examination of the royal itinerary shows the king in London on the day named.

¹⁸ *Patent Rolls*, 1216-1225, p. 503.

¹⁹ The four knights were appointed by the central government. For a discussion of the 1258 meeting, see Adams, *Origin of the English Constitution*, pp. 323-324. But the words *concilio nostro ibidem* cited by Professor Adams contain a slip in transcription. In both authorities for the writ (M. Par., VI. 396; Ann. Burton, p. 456), the words are *consilio nostro ibidem*. This is quite as we should expect; to couple the possessive pronoun with *concilium* would be a very unusual way of referring to the larger meeting of magnates; whereas it has just been shown (see above, note 13) that it was an almost unbroken rule at this time to call the king's council *consilium*. And there are innumerable instances of the coupling of *nostrum* with *consilium* in this sense. It is clear, then, that it was the ordinary council to which the representative knights reported in 1258, as in 1254.

Eodem modo mandatum est ballivis portus de Heth', Sandwico, Hastings', de sex mittendis ibidem, Rumenal, Rya, Wincheles', de xviii.²⁰

Here, besides the Cinque Ports, the two "ancient towns" of Rye and Winchelsea were asked to send representatives to the meeting at Dover. This was not a case of instructed delegates or men who bore the record, but, as in 1204, representatives who were to "talk with the king concerning his affairs". The size of the meeting is hard to determine. Does the language indicate that Hythe, Sandwich, and Hastings sent six each or six altogether; and Romney, Rye, and Winchelsea eighteen each or eighteen altogether? On the one supposition, the meeting consisted of eighty-four burgesses; on the other, of thirty-six. In either case it was an assembly representing seven boroughs; and the king was in Dover when it met.²¹

²⁰ *Close Rolls*, 1234-1237, p. 161. The Rolls throw some light on the general situation. The king had recently held a great council in which the truce with France was discussed. The most critical point seems to have been the demanded concession of the island of Oléron to the Count of La Marche. It was decided that this could not be done, and the entries show a critical situation with respect to France. On the same day that this summons was sent, the king ordered all the ports included in the summons and several more not to allow any empty vessels to leave those ports without his special permission. *Ibid.*, pp. 160-161. There were many grave things to talk about at the Dover meeting.

²¹ The day set in the original summons was later changed to the Wednesday following the Purification. As February 2 fell on Friday in 1235, the meeting must have been held February 7. The *testes* show that the king reached Dover on the seventh and remained there through the ninth. *Close Rolls*, 1234-1237, pp. 46-47. A letter addressed to the Cinque Ports in September, 1240, shows that a number of men from each of the five ports had recently been assembled in the king's presence. The purpose was that they should become surety for the good behavior of the inhabitants of their respective ports at the approaching Yarmouth fair. Nine men, mentioned by name, thus went surety for Hastings, "una cum quibusdam aliis de portubus de Rumenal, Heth', Dovr', et Sandwic'". *Ibid.*, 1237-1242, p. 242. The purpose for which these men were assembled makes the case less interesting than those previously cited; yet there was concentration of burgesses who were in some sort representatives. Also of some interest in this connection is the summoning to London in 1252 of Gascon representatives to learn their side of the quarrel with Simon de Montfort. On May 15, we find recorded, "Extension, until the Assumption, of the safe-conduct granted to the barons, citizens and other magnates of Gascony, summoned before the king in England to treat of the amelioration of the state of that land, as the negotiations had been longer than was expected." *Cal. Pat. Rolls.*, 1247-1258, p. 139. Here was a summons of barons and citizens to come from their localities to the king, and an interesting implication that citizens may be regarded as magnates. Matthew Paris wrote interestingly of the same episode: "Venerunt de Wasconia archiepiscopus Burdegalensis, et de Regula et aliis civitatibus Wasconiae magnates; venientes in Angliam, navigando usque Londonias, invenerunt ibidem dominum regem." In the course of the proceedings at London the Gascons are represented as saying: "Ostendimus primo vobis, domine rex et domine comes Ricarde, et aliis proceribus, qui ex parte domini nostri regis hic praesentes existunt, literas quas nobiscum attulimus de credentia ex omnibus nobilibus Wasconiae regis fidelibus, militibus, civibus, castellanis, et incolis, qui verba querelae suae

Consideration of these instances of borough representation before the king, slight and limited as they were, may make a statement of the Tewkesbury chronicler appear less absurd and negligible than would otherwise be the case. In the record for the year 1237 stands this curious statement:

Dominus Henricus rex Angliae exegit tricesimam omnium mobilium et immobilium de omnibus, exceptis ludricis et equis, circa festum Sancti Vincentii apud Londoniam convocato magno colloquio archiepiscoporum, episcoporum, abbatum et priorum, comitum et baronum, civium et burgensium, et aliorum multorum.²²

While nearly all the chronicles of the time tell of the granting of the "thirtieth", few say anything of the composition of the assembly, and there is no mention, beyond the passage cited, of citizens and burgesses. However, the argument from silence is a dangerous one to use in this connection; for it must be remembered that not a chronicler tells us of the representative elements in Simon de Montfort's "parliament" of 1265, and, were it not for the Close Roll record of the summoning writs, we should be reckoning it a great council of the ordinary type.²³ Aware of the chroniclers' point of

communiter in ore nostro posuerunt." M. Paris, V. 288-295, *passim*. If these statements are to be trusted, several, if not all, of the Gascon cities sent representatives; leading citizens were considered magnates by an English chronicler; the citizens and others summoned came as instructed representatives of the whole Gascon population; they had a hearing before a meeting of *proceres* in London.

²² *Ann. de Theokes.*, p. 102. This statement is recorded in the text as under 1236; but a comparison with the record of a similar tax on p. 105 and with the statements in other chronicles on the same subject convinces one that this was the assembly of January, 1237, and that we have here an example of the weakness to which this chronicler was prone, *viz.* mentioning the same event twice. See Luard, Preface, p. xxvi. The suggestion that this was the "thirtieth" of 1237 was made to me by Professor G. B. Adams.

²³ For example, the *Dunstable Annals*, pp. 235-236, mentioned the famous "parliament" thus: "Datus est dies parliamenti in octabis Sancti Hilarii, ubi fuerunt dominus rex, S. comes Leicestriae, G. comes Gloucestre, episcopi, et alii magnates quamplures." And the *Waverley Annals*, p. 358, "In crastino Sancti Hillarii factum est parliamentum magnum Londoniae, ubi pacificati sunt comes Glocestriae et comes Leycestriae Symon de Monteforti." A mass of evidence might be adduced here to show the rapidly growing importance of the burgess class and how the language which chroniclers were naturally using assimilated burgess and noble and blurred most of the technical distinctions of feudalism. *Magnates* was at this time a most vague word and might easily include burgesses, to whom, indeed, it was often specifically applied. In 1243, the Bishop of Winchester was refused entrance into his city: "et restiterunt ei major et magnates civitatis" (*Ann. Dunst.*, pp. 162-163); and in 1252, "venit archiepiscopus et magnates de Burdellis apud Westmonasterium" (*ibid.*, p. 184). Such lists as the following are very common: "Nos autem concessimus predictis archiepiscopis, episcopis, abbatibus, prioribus, comitibus, baronibus, et aliis magnatibus regni nostri quod tam carta nostra de foresta quam alia de libertatibus"; this appears in the writ to the sheriff of Kent about the collection of the "thirtieth"

view and their habitually slight and careless mention of the make-up of councils, it is easier to understand how several ordinarily reliable chronicles failed to mention citizens and burgesses who were present than how one equally reliable should say that they were present when they were not.²⁴ But the official record in the Close Rolls is not entirely without confirmatory evidence of the Tewkesbury statement. The writ sent to all the sheriffs ordering the assessment and collection of the "thirtieth" contains a narrative prefatory statement of the manner in which the tax was authorized. After the greeting to the sheriff, a part of the first sentence reads:

Scias quod, cum in octabis Sancti Hillarii anno etc. xxi. ad mandatum nostrum convenirent apud Westmonasterium archiepiscopi, episcopi, abbates, priores, comites, barones totius regni nostri, et tractatum haberent nobiscum de statu nostro et regni nostri, iidem archiepiscopi, episcopi, abbates, priores, et clerici terras habentes que ad ecclesias suas non pertinent, comites, barones, milites et liberi homines pro se et suis villanis nobis concesserunt.²⁵

granted at the 1237 assembly under discussion. *Close Rolls*, 1234-1237, p. 546. Here *magnates* must refer to some class below the baronage, and the implication of *alii* is interesting. The practice of referring to the inhabitants of the Cinque Ports and of London as "barons" and "nobles" is so much a matter of routine knowledge as to need no insistence here. An interesting festive assemblage of representative citizens and burgesses is described in Matthew Paris (IV. 255); the king had just reached Winchester after landing at Portsmouth in October, 1243, on his return from the unfortunate and expensive expedition to Gascony, when "voce praeconia per expeditissimos nuntios destinatos jussit proclamari, ut ex qualibet civitate vel burgo quatuor cives vel burgenses honorabiliores obviam ei procederent in vestibus preciosis et equis desiderabilibus. Unde ad praeceptum suum et edictum intransgressibile, coacti sunt multi de ultimis finibus regni, non sine multis expensis et laboribus, obviam ipsi occursando properare." That this was not all for show, but that the king had a business purpose underneath, for which *taxation* would not be a serious misnomer, is shown by the statement in the next sentence that these citizens and burgesses "pacified" him (*regem . . . pacaverunt*) with *donis diversis et impreciables*. When, the next month, his mother-in-law, the Countess of Provence, was to land in England, "Ipsamque infiniti nobiles Angliae, non sine mora nimis sumptuosa, super litus maris jussu regis expectarunt. . . . Venerunt autem obviam ei etiam de remotis Angliae partibus et Scotiae conterminis multi nobiles, jussu regio coarctante." *Ibid.*, p. 261. The parallelism of the passages and the closeness of the time make one question whether *burgenses honorabiliores* were not included in the *nobiles* on this second occasion. Henry III. was a man to enjoy this furtive method of bleeding his boroughs.

²⁴ The *Tewkesbury Annals* are a contemporary record of this period. Luard, the editor in the Rolls series, says: "The annals are not free from errors, though these generally occur in the earlier years and are not of great importance. There can be little doubt that less care was always taken in transcribing the earlier years from a borrowed MS., than when the contemporary events were written down from year to year, probably by the actual composer of the narrative." And he concludes his discussion by remarking: "On the whole, this chronicle must be regarded as a very curious and valuable contribution to the history of the time." Preface, pp. xxvi., xxvii.

²⁵ *Close Rolls*, 1234-1237, p. 545.

Is there not here some indication of assenting or granting knights and freemen at the meeting? The first list is evidently the routine, formal list of those regularly summoned to a great council; but note the force of the *idem* introducing the second list. The lists overlap, but the great barons were there in two capacities: things were done "before" them, and their presence lent regularity and sanction; but they were interested in the "thirtieth", and they doubtless debated it and conceded it in informal and vital fashion. Beyond them in the second list are certain churchmen, knights, and freemen who would not be there regularly; but may not some knights and burgesses have been called in, as later, to plan the assessment, and through their concession, the better to secure the co-operation of the classes which they represented? It may be urged that the language indicates nothing more than that all assented in that all made no objection and all paid. But the distinction made between the active and passive attitude of the freemen and villeins is bound to suggest that the former did some real assenting; furthermore when the writ was worded the knights and freemen as individuals throughout the country had had no chance to assent in any fashion.²⁶

There remain to mention three or four anomalous cases of concentration in this period, which, while they do not relate to those general classes of society or units of population later represented in the House of Commons, yet show that concentration, by means of representatives or without, was becoming a routine device of the central government; when the king wished to consult, or do any other kind of business with, a widely scattered class of people, here was a method in sufficiently common use immediately to suggest itself.

In 1207 the king sent an inclusive summons to those having to do with the coinage, in sixteen specified cities or boroughs, to assemble at Westminster on a day named:

²⁶ It is to be questioned whether the occasional presence at a great council of an element besides the formal baronial group was a great novelty. An analysis of the lists in the preamble of the Constitutions of Clarendon is interesting. The Assize of Northampton and the assignment of circuits to itinerant justices were the result of a council in 1176 thus described: "Venit dominus rex usque Northamptoniam, et magnum ibi celebravit concilium de statutis regni sui, coram episcopis et comitibus et baronibus terrae suae; et coram eis per consilium regis Henrici filii sui, et per consilium comitum et baronum et militum et hominum suorum, hanc subscriptam assisam fecit, et eam teneri praecepit." *Bened. Abb.*, p. 107. In Diceto, I. 404, the same meeting is referred to: "Rex, juxta consilium filii sui regis, coram episcopis, comitibus, baronibus, militibus, et aliis hominibus suis in hoc consentientibus, constituit." A slight variation in the split of the lists between these sources; but is it not noteworthy that two such reliable and contemporaneous chronicles tell of an assembly so inclusive as this, and both implying that elements were there in different capacities?

Rex etc. omnibus monetariis et examinadoribus monete et custodibus cuneorum Lond' salutem. Precipimus vobis quod sicut vos et vestra diligitis statim visis litteris istis signetis sigillis vestris omnes cuneos vestros et sitis cum illis apud Westm' a crastino Sancti Dionis' in xv dies audituri preceptum nostrum. Et faciatis scire omnibus operatoribus monete de civitate vestra, et eis qui sciunt dare consilium ad faciendam monetam, quod tunc sint ibi vobiscum et habeatis ibi has litteras. T. domino P. Winton' Episcopo apud Westm', vii. die Octobr'. Sub eadem forma scribitur omnibus monetariis et examinadoribus monete et custodibus cuneorum Winton', Exon', Cicestr', Cantuar', Roffam, Gipeswic', Norwic', Lenn', Linc', Eborac', Cardull', Norht', Oxon', Sancti Edmund', Dunolm'.²⁷

It is to be noted that although they came to hear the king's command, yet he wished to have present those who *sciunt dare consilium ad faciendam monetam*; his command was to follow a consultation.

It will be recalled that in the summonses to the 1227 assembly, discussed above, the writs addressed to nineteen of the thirty-five counties contained clauses relating to the forest. These clauses were summonses to the following: (a) all foresters; (b) those who had enjoyed any liberty pertaining to the forest before the perambulation of the forest made by the king's command; (c) those who had conducted said perambulation. In each instance the purpose of the summons was made clear.²⁸ Adding these people from nineteen counties to the four representative knights from thirty-five counties, it seems that a large assemblage indeed must have gathered at Westminster. However, the business of the representative portion was surely quite distinct from that of the forest portion. But the latter must be reckoned concentration on a large scale, and for business that was usually conducted by royal commission from county to county.

The following writ, ordering various assemblages of the non-feudal abbots and priors, was issued in 1235:

Mandatum est vicecomiti Oxonie quod omnes abbates et priores de comitatu suo, qui non tenent de rege in capite per servitium militare, cujuscumque ordinis preter ordinem Cysterciensem et Premonstratensem, venire faciat coram rege apud Wudestok' in crastino Sancte Marie Magdalene, anno etc. xix. ad loquendum cum rege de negotiis suis que eis habet exponenda. Teste rege apud Westmonasterium, xvi. die Julii.

Eodem modo scribitur vicecomitibus Heref', Glouc', Wigornie, apud Glouc' die Veneris proximo sequente; Dors' et Sumers', apud Bathoni- am in festo Sancti Petri ad Vincula; Wilt', et Suht' apud Merleberg' Dominica proximo sequente; Berk' et Buk', apud Rading' in octabis Sancti Petri ad Vincula; In crastino Assumptionis apud Lond', Kancie, Sussex, Midd', Essex' et Hertf', Surr', Norf' et Suff'; Norht', Cante-

²⁷ Rot. Litt. Pat., p. 76.

²⁸ See above, note 7.

brigie, Hunt', Bed', et Buk', apud Norhampt' die Martis post festum Sancti Batholomei; Notingh' et Derb', War' et Leic', Staff' et Salopie, Lincoln', Eboraci, apud Noting' die Dominica in Nativitate Beate Marie.²⁹

Here were thirty-one counties arranged in two groups of eight, one of five, one of three, three of two, and the single county of Oxford. It seems a method half-way between the old county-to-county conduct of royal business and the labor- and time-saving scheme of a single central assembly. The entries in the Close Rolls show that the king followed out the programme, and was in the designated places on the designated dates or was near enough so that he could easily reach the meeting on the day set.³⁰ The phrase "*ad loquendum cum rege de negotiis suis*" has a familiar sound.

In 1231 a writ was issued by the king ordering six Jews from each town in England in which there were Jews to assemble at Westminster on a certain day. The writ itself best sets forth the purpose, and the form and language are worth noting:

Mandatum est vicecomiti Kancie quod sicut seipsum et omnia sua diligit, venire faciat coram rege apud Westmonasterium a die Pasche in xv dies, sex de ditioribus et potentioribus Judeis ville Cantuarie et totidem de villa Roffe, ad audiendum ibidem preceptum regis, ita quod ad eundem terminum habeant ibidem omnia areragia sua propria sine omni dilatione, similiter et areragia omnium Judeorum predictarum villarum que regi debent, tam de tallagio viii milium marcarum, quam de tallagio vi milium marcarum; et preterea id quod ad Judeos predictarum villarum communiter pertinet regi reddendum de mille marcis que regi promisse fuerunt nomine omnium Judeorum Anglie pro respectu habendo de quibusdam debitis que ab eis exigebantur. Ea autem diligentia hoc preceptum regis exequatur ne pro defectu sui ad eum rex se graviter capere debeat. Et habeat ibi nomina illorum sex Judeorum et hoc breve. Teste ut supra. [Apud Clarend', xxvi. die Marcii.] Eodem modo scribitur omnibus vicecomitibus Anglie in quorum ballivis sunt Judei regis.³¹

A central representative assembly of considerable extent was to be held, albeit of Jews. If financial negotiations with the Jews could be more conveniently conducted in this way, why could not the same

²⁹ *Close Rolls*, 1234-1237, pp. 187-188.

³⁰ An examination of the king's itinerary is necessary before one can be perfectly sure of the meaning of this laconic entry. Otherwise one might not be convinced that the *apud Glouc'*, *apud Bathonian*, etc., did not refer to the places whence the various writs were sent rather than to the places appointed for future meetings. But the *testes* leave no doubt: Monday, July 23, the king was in Woodstock, the Friday following in Gloucester; on four out of the other six dates the *testes* show him less than a day's journey from the appointed place, and on the remaining two in the place. *Ibid.*, pp. 120-140, *passim*. Considering the extent of the indicated circuit, the correspondence of the royal itinerary cannot be set down to chance.

³¹ *Close Rolls*, 1227-1231, p. 580.

method be applied to the Gentile population of the boroughs? A similar meeting was called in 1241, in which the number of representative Jews from each town was to be based upon the extent of the Jewish population in each and was left to the sheriffs' discretion. The writ was sent to the sheriffs of eighteen specified counties, besides London; and the business seems to have been of a more deliberative nature: "ad tractandum nobiscum tam de nostra quam sua utilitate".³²

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³² *Close Rolls*, 1237-1242, pp. 346-347.

LEGAL MATERIALS AS SOURCES FOR THE STUDY OF MODERN ENGLISH HISTORY¹

BURKE, in opposing what he was pleased to term Pitt's "rat catching" policy of financial reform, taunted him with "hunting in holes and corners".² The same criticism may be applied to many of the attempts to search for unexplored fields of historical investigation. One who peruses wearisome lists of German doctoral dissertations is apt to become as "bewildered and amazed" as Henry VIII. when he first gazed upon the stolidity of Anne of Cleves, and to turn away equally "sad and pensive". There are obviously two types of investigator—I beg to be excused from "researcher"—one with the genius, all too rare, of interpreting existing material in a new light, the other who is enterprising or fortunate enough either to dig up fresh sources of information or to discover unexplored fields of study. Rich rewards are, in my opinion, open to the historian who will devote himself to the legal materials relating to modern English affairs. While, in spite of the dangers and difficulties of threading one's way through the "tortuous, ungodly jungle" of the law, epoch-making work on the mediæval period has nevertheless been done, the later centuries have been strangely neglected.

The tendency of the times has been a potent factor in determining the weight of emphasis. During the generations following the French Revolution, when the primary interest centred in constitution-making, the best efforts of scholars were devoted to political and constitutional questions; with the amazing industrial development which followed, involving hosts of new problems, economic history, or, to speak more exactly, economic phases of history, crowded to the front of the stage. Now, since law reform is becoming more and more a vital issue, the legal aspects of the subject are claiming more and more attention. From the beginnings of the profession the lawyers have been in evidence as politicians and historians. Our English ancestors have on more than one occasion shown a proneness to distrust their activities in the former of these fields. A

¹ A paper read in the conference on modern English history at the meeting of the American Historical Association in Charleston, December 29, 1913.

² Lecky, *England in the Eighteenth Century* (cab. ed., 1902), V. 301, citing *Parliamentary History*, XXV. 369-373.

statute of 1372 aimed to exclude men of law from the Commons, and the "unlearned Parliament" of 1404 was the result of a royal writ with the same end in view, while in 1620 James I. issued a proclamation declaring that his subjects should not elect "curious and wrangling lawyers who may seek reputation by stirring needless questions".³ Historians, too, have looked askance at them, and to some extent not without reason. Sir Edward Coke—much as we owe to that "monster of learning"—was a furious partizan, who, it is to be feared—if I may adapt Disraeli's famous phrase in reference to his novels—when he was hard pressed for a precedent provided one. At any rate he was often inaccurate, and is responsible for at least some of the traditional errors which like barnacles have clung to our interpretation of Magna Carta for centuries. Blackstone, also, in spite of his great services, did not make the best even of the limited material which he had at his disposal. Like Coke, and many another lawyer, he was inclined to interpret the past in the light of the present, to picture to us the institution of legal theory rather than what had actually existed in practice, and he has led many generations of lawyers astray on the true nature of medieval feudalism. Lord Campbell's *Chancellors* and *Chief Justices* are marred by the plagiarisms and misrepresentations of facts. While history has suffered at the hands of lawyers of the old school a new type has arisen in the last two generations who have more than atoned for the shortcomings of their predecessors. It would carry me too far astray to give anything like an adequate appreciation of the magnificent achievements of Maitland, of Pollock, of Liebermann, in the medieval field, of the valiant work of Holdsworth and Jenks, and of such excellent special treatises as Stephen's *Criminal Law*, Pike's *History of Crime*, Holmes's *Common Law*, Thayer's *Treatise on Evidence*, and Digby's *Real Property*. Nevertheless, there is still much virgin soil to be tilled, particularly in the period from the Reformation onwards.

However, I am not here concerned with the history of the law, but rather with the possibilities which legal materials furnish to the student of political, social, and industrial conditions. These materials fall into two broad groups—the central and the local. One naturally thinks first of the statutes, and, though many have studied them with great care, their yield has been by no means exhausted. But the sources which offer the greatest promise are the court reports.⁴ For example, the statement of Stephen might be tested that

³ E. G. Porritt, *The Unreformed House of Commons*, I. 381.

⁴ Until the end of the eighteenth century they have to be studied with caution, for, at least as late as the Revolution of 1688, they were submitted to the judges

prisoners on trial for treason were in practice no better off after the celebrated act of 1696⁵ than before. To take another case. It is often said that the very severity of the criminal code in the late eighteenth and early nineteenth centuries defeated its own ends; that justices and juries refused to condemn to death those who were guilty of minor offenses. Another explanation has been suggested on which a study of trials and court records might throw some light, namely, that large cities, notably London, were lamentably policed by inept parish constables and superannuated Dogberries, supposed to act as watchmen, so that witnesses and prosecutors often failed to appear against the accused for fear of the almost certain vengeance of highly organized bands of ruffians who were suffered with impunity. Charges like that of Kenyon, C. J., delivered in 1796, in consequence of the scandalous playing of faro in the houses of certain ladies of high rank, a charge in which he threatened to send even the first in the land to the pillory if convicted before him, give us a vivid picture of one phase of the life of the period.⁶ At the risk of being dubbed a "snapper-up of ill-considered trifles" I might point out that in the trial of Lord Mohun for the murder of Mr. Mountford we may learn at what time plays began in the reign of William and Mary.⁷

More important, the judges reflected the current political philosophy of the day and did much to mould the law which they were supposed to interpret.⁸ As to the first point, it is often very difficult

before publication, who, in order to enhance their reputation for wit and learning, often revised what they had actually said during the trial. This fact, reported with some flourish in the *Athenaeum* a few years ago and reprinted in the *Nation*, had been pointed out more than two generations earlier.

⁵ 7 and 8 Wm. III., c. 3.

⁶ Gillray's caricature of two of the most conspicuous offenders standing in the pillory as "Faro's Daughters" is famous. Traill, *Social England* (1904), V. 681, 682, and Lecky, *England in the Eighteenth Century*, VII. 195.

⁷ *State Trials*, XII. 962.

⁸ This is admirably brought out by C. G. Robertson, *Hanoverian England*, pp. 194-195. "Subject to the sovereign power of Parliament to alter the law", he says, "judicial decisions cumulatively tend to become additions to the law, though they claim to be only interpretations of it. And cases such as *Rex v. Tubbs*, *Entick v. Carrington*, *Stockdale v. Hansard*, and the numerous decisions on the law of libel in the eighteenth century, illustrate how much 'judge-made law' can broaden or diminish, without legislative intervention, the liberty of the subject and modify or alter relations between the executive and the ordinary citizen . . . the decisions of the courts from epoch to epoch exemplify the subtle influence on the judges of contemporary or anarchistic constitutional and philosophical principles and the connection between law and public opinion. The eighteenth century citizen compared with today enjoyed a very limited right of free criticism and free speech. The criminality of a libel (until Fox's Act in 1792) was determined not by the jury but by the judge, and even such judges as Holt, who defended (1701) popular rights against the tyranny of the House of Commons,

to trace the influence of a political theorist on the public opinion of a past age; but in the charges and decisions of the judges we have no mere speculative vaporizings but tangible applications of current opinions. As to the second, the significance lies in the fact that few important changes were made by statute under William, Anne, and the first two Georges,⁹ and most of the innovations of the period are the result of judge-made law. Also, many offenses lingered on the statute-book and many practices were recognized by common law long after they had become obsolete in practice; *e. g.*, trial by battle was legal till 1819.¹⁰ A study of actual cases illustrates most strikingly the difference between the judges before and after the Revolution of 1688, particularly after the Act of Settlement of 1701 in which a notable clause changed the judicial tenure from *durante bene placito* to *quamdiu se bene gesserint*. For example, in the case of Benjamin Harris, 32 Charles II., 1680, charged with "causing to be printed and sold a libellous pamphlet", the jury tried to find Harris guilty "only of selling the book", but, under pressure from the judge, brought in a verdict of guilty. The charge of Scroggs is typical of that period:

As for this book in particular; you can hardly read a more base and pernicious book, to put us all into a flame. . . . Except the writer of it, there cannot be a worse man in the world. . . . And Mr. Harris, if you expect any thing in this world, of this kind of favour, you must find out the author; for he must be a rebellious, and villainous traitor. . . . You [the jury] have nothing more to do, but to give your verdict.¹¹

Compare this with the charge of Holt in the case of John Tutchin, 3 Anne, 1704, in which, though expressing strong views as to what constitutes a libel on the government, he ends by saying: "Gentle-

started from a theory of the functions of government and the relations of the state to its members directly antithetical to the modern conception of the liberty of the press and the right to criticize the established executive. The revolt of isolated judges, such as Camden (1765), aided by an increasing force of public opinion, against the principles of state action enforced by the courts, is part of the revolution in the theory of the state's functions which was bound up with a new conception of civic liberty and with a demand for its recognition in the general law of the land." In his *Select Statutes, Cases, and Documents*, Mr. Robertson prints extracts from some of the most important state trials which I have selected for illustration.

⁹ Among the few to be noted are: the abolition of the Court of the Marches of Wales; the extension of benefit of clergy to women; the right of the owner of personal property to bequeath it as he saw fit throughout England; an act giving promissory notes the character of negotiable instruments; another rendering void securities given for money lost in games, or betting on players. Traill, *Social England*, V. 47-50. For improvements in the law of copyright see *ibid.*, pp. 51-54.

¹⁰ It was abolished by 59 Geo. III., c. 56. See case of *Ashford v. Thornton*, 1818, 1 Barnewall and Alderson 405.

¹¹ *State Trials*, VII. 930.

men, I must leave it to you; if you are satisfied that he is guilty of composing . . . these papers at London you are to find him guilty."¹²

To go back again to the Restoration period: in the celebrated case of the charter of the city of London (33-35 Charles II., 1681-1683) Jones, J., referred to the petition from the common council begging Charles to call a Parliament as "so scandalous to the king . . . so dangerously tending to the seduction of his subjects, to a dislike and hatred of his person and government, and so evidently tending to sedition thereby and rebellion, as another just cause of forfeiture".¹³ In the impeachment of Henry Sacheverell we get luminous evidences of the political thinking of the post-Revolution judges: *e. g.*,

The nature of our constitution is that of a limited monarchy wherein the supreme power is communicated and divided between Queen, Lords, and Commons, though the executive power and administration be wholly in the Crown. The terms of such a constitution do not only suppose but express an original contract between Crown and People by which the supreme power was (by mutual consent and not by accident) limited and lodged in more hands than one: and the uniform preservation of such constitution for so many ages without fundamental changes, demonstrates to your lordships the continuance of the same contract.¹⁴

Lord Camden's opinion in *Entick v. Carrington* (6 George III., 1766), which decided the illegality of general warrants, contains a notable discussion of the limitations of the powers of the king's ministers and also of the principles of the Revolution, which he declared did not "enlarge the liberty of the subject but gave it a better security".¹⁵ His reply to the contention that there had been a general submission to general warrants¹⁶ and his assertion that "if the King has no power to declare when law ought to be violated for reasons of state, I am sure we his judges have no such prerogative", mark striking advances over the attitude of the Stuart judges, though Camden was a pioneer in his own generation.¹⁷ In view of the present agitation over recall, the following statement of Lord Mansfield may not be without interest:

¹² *Ibid.*, XIV. 1129.

¹³ *Ibid.*, VIII. 1272.

¹⁴ *Ibid.*, XV. 61.

¹⁵ *Ibid.*, XIX. 1068.

¹⁶ *State Trials*, XIX. 1068.

¹⁷ He said in part: "There has been a submission of guilt and poverty to power and the terror of punishment. But it would be strange doctrine to assert that all the people of this land are bound to acknowledge that to be universal law, which a few criminal booksellers have been afraid to dispute." *Ibid.*, p. 1068.

¹⁸ His declaration that the criminal law has no such process as that employed in the case of libel for seizing papers contains the following striking statement: "Whether this proceedeth from the gentleness of the law toward criminals, or from a consideration that such a power would be more pernicious to the innocent than useful to the public, I will not say." *Ibid.*, p. 1073.

Jealousy of leaving the law to the court, as in other cases, so in the case of libels, is now in the present state of things, puerile rant and declamation. The judges are totally independent of the minister that may happen to be, and of the king himself. Their temptation is rather to the popularity of the day. But I agree with the observation cited by Mr. Cowper from Mr. J. Foster "that a *popular* judge is an odious and pernicious character".¹⁸

The same judgment contains sound doctrine on the function of a jury.

Such signs of advance as may be noted on the part of the eighteenth-century judges were rudely interrupted by the excesses of the French Revolution, and it was not till 1820 that one of them could venture to insist in regard to the true liberty of the press that without it,

a free Government cannot be supported—the liberty of the press is this, that you may communicate any information that you think proper to communicate by print; that you may point out to the Government their errors, and endeavour to convince them their system of policy is wrong, and attended with disadvantage to the country, and that another system of politics would be attended with benefit. It is from such writings that the religion of this country has been purified; it is by writings of that spirit the Constitution has been brought to the perfection it now has. And, therefore, God forbid that I should utter a sentence to show that a man speaking with that respect with which he ought to speak of established institutions, may not show some reform may be necessary or that the military ought not to be used in the manner in which they are.¹⁹

Cockburn, J., went even further in 1868 when he declared:

It seems to us impossible to doubt that it is of paramount public and national importance that the proceedings of the houses of parliament shall be communicated to the public . . . and . . . though injustice may often be done, and though public men may often have to smart under the keen sense of wrong inflicted by hostile criticism, the nation profits by public opinion being thus freely brought to bear on the discharge of public duties.²⁰

Turning from these cases which at once reflect changes in political thinking and mould the law with which they deal, I might cite various others which enlighten us on all sorts of existing customs. For example, the case of the Duke of Bedford *v.* Alcock informs us that in various manors officials were chosen so late as the nineteenth century to survey weights and measures and to levy fines on those

¹⁸ See the case of the Dean of St. Asaph, 23, 24, 25 George III., 1783–1784. *State Trials*, XXI. 1040.

¹⁹ Best, J., in the celebrated case of Sir Francis Burdett, 60 Geo. III. *Ibid.* (new series), I. 1–170, cited by Robertson, *Select Statutes*, p. 369.

²⁰ Wason *v.* Walter, 32 Victoria, L. R. IV., Q. B. D., lxxxii *et seq.* See Robertson, pp. 399–401.

who used false ones;²¹ while from *Rickards v. Bennett* and Another we learn that the lord of the manor of Farringdon in Berkshire maintained, so late as 1822, the right to exact and distrain summarily for sixpence on every ton of cheese and a penny on every quarter of corn; he had in return to maintain a market-house, lock-up house, pound, two pairs of stocks, and the stalls of the market; to provide a brass bushel measure; and to repair half a bridge across the Thames.²² The following case furnishes sufficient local atmosphere at least: when in 1734 the jury of the lord's court of the manor of St. Giles, on complaint that a brewer had kept four hundred hogs near St. Giles pond with a stench that was abominable, formally presented that it was no nuisance, the King's Bench had the wisdom to overrule them.²³

However, it is in the local records of a legal nature—the county and quarter sessions records, the sessions rolls, and the order books of the various circuits of the assizes—that one gets closest to the real life of the people, to say nothing of the actual working of many of the measures of the central authorities in the various parts of the country.²⁴ There is no doubt that a patient search of these various

²¹ 1 Wilson 248; also *Sheppard v. Hall*, 3 Barnewall and Alderson 433 (1833), cited by Webb, *Eng. Local Govt.*, II. 123.

²² 2 Dowling and Ryland 389–398 (1823).

²³ *Rex v. Smart*, notes of trial among Hardwicke MSS., S. Harris, *Life of Hardwicke* (1847), I. 265–270, cited by Webb, II. 25, note 2. Many other cases might be cited for the light they throw on the conditions of the times. *Rex v. Broadfoot*, note 43 (*State Trials*, XVIII. 1326–1358), and *Rex v. Tubbs*, 1776 (*Comp. Rep.*, pp. 517–520), tell us much about impressment and the prevailing opinion of the power of the executive as against the liberty of the subject on this point. *Grant v. Gould*, 1792, contains an excellent discussion by Lord Loughborough of the distinction between military and martial law, Robertson, *Select Statutes*, pp. 350–354. The case of *Harding v. Pollock* brings together a mass of learning on the clerk of the peace, 6 Bingham 25. A full description of proceedings in outlawry may be found in *Rex v. Yandell*, 1792, 4 Durnford and East 521 (1817). The case of *Bagnell v. Tucker* in *Reports of Divers Choice Cases*, etc. (ed. R. Brownlow, 1675), yields the important information that in Sir Edward Coke's time copyholds and customary freeholds made up one-third of the holdings of England. To take one more instance, we learn from a decision of the King's Bench, 1822, that neither the right to hold a court leet nor its jurisdiction in petty actions was lost by mere non-user, so that it could be revived after the lapse of half a century. *Rex v. Steward of Havering atte Bower*, 5 Barnewall and Alderson 691–692; 2 Dowling and Ryland 176–177 (1823). Extracts from the first two cases are printed in C. G. Robertson, *Select Statutes*, and the Webbs refer to the others.

²⁴ Some of these local records have been published, at least in part, e. g., the Middlesex county records, as well as those of Worcestershire and the North Riding of Yorkshire, and the West Riding session rolls. Generally the actual minutes of the quarter sessions have been well preserved, though, owing to the fact that in times gone by the clerk of the peace was accustomed to keep them in his own house, a number of the early ones have either perished or are reposing

sources would yield rich fruit. Study, for example, the increasing activities of the justices of the peace from the reign of Edward III. to the establishment of the county councils in 1889. In 1581 Lambarde said, in quaint but forceful words:

If Hussey (the Chiefe Justice, 1 Hen. 7, 3) did thinke that it was enough to loade all the Justices of the Peace of those days with the execution only of the Statutes of *Winchester* and *Westminster*, for *Robberies* and *Felonies*: the Statute of *Forcible Entries*: the Statutes of *Labourers Vagabonds*, *Liveries*, *Maintenance*, *Embracery* and *Sheriffe*: Then how many Justices (think you) may now suffice (without breaking their backes) to bear so many, not loads, but stacks of Statutes that since that time have been laid upon them.²⁵

A mere glance at that "venerable and classic work" Burn's *Justice of the Peace* will confirm Maitland's statement²⁶ that: "Long ago lawyers abandoned all hope of describing the duties of a justice in any methodic fashion, and the alphabet has become the one possible connecting thread."²⁷ Burn's work aimed to supply the justices of the peace with as much law as is necessary for the execution of their respective offices. To that end, he brought together in alphabetical order all the laws then in force which it devolved upon them to administer. The first edition of the work appeared in 1754 in

dispersed in muniment rooms of various private families. Those of Devon do not date back of 1592, Somerset, 1647, Bucks, 1678, Oxford, 1698. Others are older; certainly this is true in the cases of Cheshire, Westmoreland, and Wilts. Unhappily the presentments to quarter sessions of the various grand juries which, from all indications, are treasure houses of information on local conditions, are seldom entered in the manuscript minute books of quarter sessions. So far as they have been preserved they are usually to be found as separate documents, rolled up year by year in the "bundles", "session papers", "session rolls", or "miscellaneous documents" among the country archives. However, numbers have evidently been saved from destruction by being forgotten—in many cases apparently never having been untied since they were put away. For Hertfordshire the county council has published a calendar of the contents of many bundles from 1625 to 1859, though it is to be regretted that they have failed to distinguish between the presentments of the grand juries, of the high, and of the parish constables. The order books of the western circuit reach back certainly to 1629, but there may be earlier ones of this or other circuits. See A. H. A. Hamilton, *Quarter Sessions*, introd., pp. x, xi, who was apparently unduly pessimistic about the amount of material available, and Sidney and Beatrice Webb (especially I. 504, note 1), whose countless references in their notes indicate that they have been infinitely more successful in their search than Hamilton could have imagined.

²⁵ Cited by Burn, *Justice of the Peace* (twenty-third ed., 1823), suppl. vol., introd., p. iii.

²⁶ *Justice and Police*, p. 84. Sir Edward Coke declared with enthusiasm in reference to the system: "It is such a forme of subordinate government for the tranquillity and quiet of the realm, as no part of the Christian world hath the like, if the same be duly exercised." *Institutes of the Laws of England* (1797), IV. 170.

²⁷ For a full bibliography of works on the justices of the peace, see Webb, I. 295, note 1.

two small octavos. Revised and supplemented in successive editions, it has swelled to six volumes in the twenty-third, 1821. Before his death, in 1785, Burn himself had brought out fifteen editions in thirty years, in which interval more than three hundred statutes had been passed imposing new burdens on the poor officials. Among the varied subjects enumerated in his compilation are: alehouses, apprentices, bastards, bathing, cattle, corn, custom, excise, fish, frame-work breakers, friendly societies, game, hawkers, pedlars, riot, stage-coaches, transportation. There are, for instance, forty laws relating to game, which furnish a great deal of information concerning a pursuit which absorbed much of the energies of the country gentlemen of the seventeenth and eighteenth centuries and involved heavy burdens on the rural classes outside the favored circle. As to roads, it is a striking commentary on their rotten state before the days of Telford and McAdam that it was necessary to restrict the number of horses and the size of carts and wagons allowed upon them.²⁸ It is scarcely worth while to emphasize the fact, so generally known, that besides their criminal jurisdiction, the justices of the peace, acting singly or in petty and quarter sessions, were entrusted with the bulk of the administration of the county.²⁹

Now, so far as is known to the writer, the materials relating to them and their work from the time of the Tudors have been utilized in only three books: A. H. A. Hamilton's *Quarter Sessions*, J. C. Cox's *Three Centuries of Derbyshire Annals*, and Sidney and Beatrice Webb's monumental *English Local Government*. The two former, however, cover a restricted area. Cox, as the title of his volume implies, devotes himself to Derbyshire, Hamilton's work is based mainly on the records of Devon, with a few extracts from Bucks, while the Webbs confine themselves almost exclusively to the period since 1688, and, although they throw much light on local conditions, they are primarily concerned with the functions and structure of the local officials and courts rather than with the life of the time in its manifold aspects. However, it is to the results of their painstaking and productive research that I am indebted for the basis of the greater part of my remaining suggestions. In a few instances they point out themselves what remains to be done. "It is significant of the way history has been studied", to cite one of their most striking statements, "that there is less known about the actual working of the English county court in 1689 than of the Vehmgericht or the court of the praetor peregrinus". Moreover, the early history of

²⁸ For a dispensation allowing wagoners to use on certain hills seven horses instead of the customary six, see Hamilton, *Quarter Sessions*, pp. 270-271.

²⁹ For an enumeration of their duties see Webb, I. 297-301.

the divisional sessions of the justices of the peace has never yet been exploited, nor has there ever been any serious investigation of their numbers and local distribution in the various counties. We have information as to their nominal orthodoxy, for they were obliged "to take the sacrament according to the usage of the Church of England in some public church on the Lord's Day";³⁰ we know also that they were required to have an estate of £20 a year, and that they were supposed to have some knowledge of the law of the land; but we are almost in the dark as to whether the justice in *Barnaby Rudge*—who could write his name almost legibly in five minutes—and Squire Weston are more typical than the Allworthys and the Sir Roger de Coverleys.³¹ There were, between 1720 and 1750, at least a dozen indictments of corrupt justices,³² while the Webbs furnish graphic pictures of both the trading justices who were valiant in prosecutions for the sake of filling their own pockets, and of the great difficulties which pettifogging attorneys often put in the way of the more conscientious.³³ But nothing is known on any of these points concerning the seventeenth century. Let me venture to cite a few more questions which still remain to be answered. In the time of William III. and Anne there was a great wave of moral reform; the former sovereign issued a proclamation against vice and impiety, and various societies for the reformation of manners were founded. DeFoe, however, in his *Poor Man's Plea*, 1698, pre-

³⁰ Apparently the quaint and pompous ceremonial with which, according to the legal writers on the justices of the peace, the opening of quarter sessions was attended was very unusual, being confined to state occasions. Webb, I. 421-422.

³¹ It is said that 18 Hen. VI., c. 11, sects. 1 and 2 (1439), "is remarkable as being the first Act of the legislature that fixes any precise amount of property as a qualification, and the last which recognizes the necessity of intellectual and moral fitness for the office of a county magistrate". (*Letter to Lord Brougham and Vaux on the Subject of the Magistracy of England*, 1832, pp. 4-5. Cited by Webb, I. 302, note 3.) We have one striking evidence of their aristocracy. "The refusal of the County Magistrates to act with a man who has been a grocer and is a Methodist", wrote Thomas Jefferson Hogg, part of whose name should have been a guarantee of democracy, "is the dictate of genuine patriotism; the spirit of aristocracy in the county magistracy is the salt which alone preserves the whole mass from the inevitable corruption." *Report on Certain Boroughs* (Municipal Corporations Inquiry Commission), H. C. no. 686 of 1838, p. 5. Cited in Webb, I. 385, note 1.

³² *Ibid.*, p. 539.

³³ *Ibid.*, p. 336. To take one instance concerning those higher up, Lecky cites the curious case of an attorney named Brecknock, who having been sent to prison by the House of Lords in 1766, "for publishing a book called the '*Droit du Roi*,' avenged himself upon Lord Camden by laying an information before Judge Fielding, that the Chief Justice and three other judges wore cambric bands in court, contrary to the Act of Parliament." *History of England in the Eighteenth Century* (1893), VII. 302.

dicted that the laws would be enforced chiefly against offenders of the humbler sort. It is alleged that good work was done for some years in punishing cursing and drunkenness as well as profanation of the Lord's Day, but that, in course of time, DeFoe's prediction was fulfilled and the chief activity of the magistrates was directed against Sunday trading.³⁴ Again, there is no evidence to indicate how far the justices used their power to put down the enthusiasm engendered by Wesley and the other revivalists.³⁵ Mantoux opens another promising field of investigation by pointing out, in opposition to Cunningham and others, that assessments of wages did not cease in the eighteenth century.³⁶

One reason why the records of the quarter sessions are so illuminating on the life of the period is that much that seems purely administrative business is embodied in judicial forms, in the presentments of the grand juries, of the hundred juries, of the high and petty constables, or of the individual justices.³⁷ These presentments included "not only the ordinary breaches of the law by private individuals, but also the shortcomings of parochial and manorial officers, the failure of parishes to keep up their stocks and their pounds, their highways and their minor bridges", as well as the neglect of the hundreds, counties, and franchises to properly maintain their jails

³⁴ Traill, *Social England*, IV. 810. For the activities of the justices against the Sunday liquor traffic, see Webb, I. 543. Here is a gem on this point, cited by Webb, I. 397, 398: "For the most part, we imagine, the Justices during the first half-century of 'Brewster Sessions' granted and renewed ale-house licences with the greatest laxity, though we cannot say how far the following lively satire on a licensing sessions in 1754 may be accepted as typical. At 'the Brewster Sessions at Bray in Northungria', five Justices are represented as being present. 'Mrs. Drab' comes in to apply for a renewal of her licence; she brings a certificate signed by some of her neighbours, certifying that 'Mrs. Drab, of the Round O, keeps a very regular and orderly house; and that we have been often entertained there with much pleasure, wit, and humour; and desire that her licence may be renewed; for we cannot live without her and hers.'"

"Sir John Bear: 'The Round O lies in my neighbourhood. I wish there was never a Round O near me; it debauches my servants. I could give many reasons why she ought not to have a licence.' Mr. J. Lock then refers to 'irregularities committed at the house in April,' and 'shameful doings in May and June,' and 'infamous revels in August.' Other objections are made.

"The Chairman: 'Hem! hem! There are two Justices required to the granting every licence by the statute. Brother Friar, you and I must sign it. The woman must not be undone, nor the excise diminished. The house draws a great deal of ale, and pays a round sum into the office.' (They sign the licence.)"

³⁵ *Ibid.*, p. 339.

³⁶ *La Révolution Industrielle*, pp. 479, 481. The hundred sessions or statute or Hiring Fairs at which the high constables supervised the hiring of agricultural servants, according to 5 Eliz., c. 4 (1562), offer another promising line of research. They were generally superseded in the eighteenth century by the divisional sessions of the justices of the peace, Webb, I. 492-493.

³⁷ *Ibid.*, p. 437.

and bridges.³⁸ The grand juries of London and Middlesex were particularly active.

From the Restoration to the accession of the Hanoverian dynasty we find them mostly presenting Nonconformist fanatics and Papist recusants, unlawful assemblies and seditious publications. From the alarm set up in 1720 by the approach of the plague, these Grand Juries are concerned about the disorder and filth of the streets. They complain of the growing obstruction of traffic, the swarms of beggars, the increase of vagrancy, the disorderly shoe-blacks and other hooligans of the time, and the increase of robberies and assaults.³⁹

Strangely enough, the formal registering of dissenting chapels, under I William and Mary, c. 8, sect. 19, took the form of a judicial process and was embodied in the manuscript minutes of quarter sessions.⁴⁰ Oftentimes the grand jury acted as a "sort of county house of commons", giving the opinion of the county on matters of public concern.

In the seventeenth century we find the "Grand Inquest" still considered by Parliament, by the National Government, and by the Justices themselves, as the official exponent of the county. Hence in loyal addresses to the Crown, as in petitions to either House of Parliament, the "Gentlemen of the Grand Jury" usually figured first in the document, whilst in their frequent presentments at the Assizes and Quarter Sessions they were perpetually drawing attention to grievances.⁴¹

In addition was the financial work of the grand jury which, though steadily declining, continued even unto the seventeenth century. For example, no payment for the repair of bridges or jails was valid unless formally presented by them, "a remarkable survival", according to Mr. Cox, "of the old popular control of finance".⁴²

Hamilton, from his examination of the Devon records, has opened a tempting vista of what an extended study of such sources in the various other counties would offer. It would be possible in this way to trace out many relations still obscure between central government and the local centres in the time of the first two

³⁸ Webb, I. pp. 307-308.

³⁹ *Ibid.*, pp. 455-456. In 1721 a committee of the Middlesex quarter sessions presented a vivid array of the nuisances of that date: "broken pavements, maimed beggars, blood-reeking slaughter-houses, illicit dram-shops, straying hogs, heaps of manure, bawdy-houses, the practice of harbouring persons likely to become chargeable to the rates, the neglect of parish officers, the crowds of starving vagabonds, swaying signs darkening the streets, the fever-spreading Debtors' Gaol of Whitechapel, and all the other horrors of the Metropolis". *Ibid.*, p. 531, citing (note 1) Minutes Middlesex Quarter Sessions, October 12, 1721. Many reports relating to vagrants are to be found in the manuscript order books of quarter sessions of the period. For examples, see Webb, I. 531, note 2.

⁴⁰ *Ibid.*, p. 446, note 1. See also Hamilton, *Quarter Sessions*, p. 258.

⁴¹ Webb, I. 455-456.

⁴² *Ibid.*, p. 449, note 1.

Stuarts,⁴³ for instance, in the matter of benevolences and purveyance. And, incidentally, an investigation of the latter question would yield much information concerning current prices of such staple commodities as beef and mutton. Hamilton's findings further furnish many concrete illustrations of the varied activities of the justices in connection with the social, economic, and political life of the county he has selected and lure us to journey further afield. We learn much about their dealings with pauperism and vagrancy. We see them fixing wages for servants and laborers,⁴⁴ binding apprentices, and cancelling indentures. They granted pensions to "maymed soldiers and maryners" and advanced money for the relief of those who lost their houses by fire.⁴⁵ Licenses for trading, licenses to beg, to shoot fowl, and to erect cottages had to be procured from the court of quarter sessions.⁴⁶ There are many evidences of their activity against recusants;⁴⁷ while a strikingly early evidence of Puritanism is furnished in steps, taken in 1595 and again in 1599, to suppress church ales, revels, and May-games.⁴⁸ Moreover, lists of presentments furnish valuable material in crimes and punishments. In the lenten assizes of 1598, 134 were brought before the justices of whom seventy-four were sentenced to be hanged.⁴⁹ The stocks and whipping were common forms of punishment, the latter being applied to women guilty of bastardy. In 1603 two men were sen-

⁴³ Hamilton, pp. 7 ff.

⁴⁴ *Ibid.*, pp. 12 ff.

⁴⁵ For this purpose, before the days of insurance, county benevolences were levied. Either the houses were curiously primitive or the advances left much to be desired. On one occasion £30 was voted for 28 houses consumed at Torrington. Hamilton, pp. 19-21.

⁴⁶ One license was issued for the trade and "scyeence of tynkyng". *Ibid.*, p. 27. Not long before the records give a graphic picture of the opposition against a royal patent for salting fish. *Ibid.*, pp. 23-26.

⁴⁷ Instances occur in Bucks so late as 1691. *Ibid.*, p. 258.

⁴⁸ It is declared that "churches or parish ales, revels, May-games, plays, and such other unlawful assemblies of the people of sundry parishes unto one parish on the *Sabbath day* and other times, is a special cause that many disorders, contempts of law, and other enormities, are there perpetrated and committed, to the great profanation of the Lord's 'Saboth,' the dishonour of Almighty God, increase of bastardy and of dissolute life, and of very many other mischiefs and inconveniencies, to the great hurt of the commonwealth." Hamilton, pp. 28. In the early part of the eighteenth century the justices of Gloucestershire were busy suppressing such recreations as well as fairs and meetings for wrestling and cudgel play; but chiefly on the ground that they furnished an opportunity for the assembling of persons disaffected to the government. Webb, I. 536-537.

⁴⁹ It is interesting to note that, out of the 134 presented, eleven claimed benefit of clergy. This is peculiarly significant, since Professor Channing, some years ago, by comparing the number of persons brought to trial in Middlesex with the number of persons who claimed benefit of clergy, was able to arrive at a rough idea of the proportion of persons who could read in the Stuart period.

tenced to remain in jail for a year "unless they pay ten pounds to their wives whom they have murdered",⁵⁰ an entry which requires a commentator of skill. One prisoner was ordered to be discharged "when he hath confessed who gave him the love-charm he used to *cossen* wenches with".⁵¹ There are vivid pictures of the Devon pirates and of poachers, as well as pathetic items relating to the suffering resulting from the enhanced cost of food and evidence as to the causes of rising prices. We get information on the persecution of non-conformists and on the working of the hearth tax; we learn what it cost to keep prisoners in jail;⁵² and get much concrete information on the details of impressment in this seaboard county. The materials which Hamilton has collected from records of Devon and Bucks tend to refute the position taken by Stanhope in his *History of England* that the poor were better off in the age of Anne and George I. than in the Victorian Age. Moreover, certain abuses in the administration are brought to light, such as the bailiff's custom of summoning more jurors than were needed for any particular session and extorting money from the surplus members to enable them to secure their release.⁵³ Passing to the eighteenth century again for a few more instances of what I trust will not be considered "a mere aggregate of bewildered jottings", the records both of quarter sessions and King's Bench cast a lurid light on the brutal treatment of those charged with a violation of the combination laws.⁵⁴ The high constables of hundreds as well as the petty constables of parishes were under obligations to report all nuisances

⁵⁰ Hamilton, p. 86.

⁵¹ *Ibid.*

⁵² *Ibid.*, pp. 280-286. It is extremely likely that a study of the records of the seventeenth century would show that the jails and workhouses were in wretched condition. So late as 1795 a presentment by James Roper Head showed "that the house kept and provided in the parish of Higham . . . for the maintenance of the poor . . . is not only inadequate in point of size, but is in a very dangerous ruined and decayed state". In one room of thirteen feet by fourteen there were two women and three children. In another, fifteen feet by thirteen, a man, a woman, and five children, one lying ill of a fever. Happily the court ordered an increased rate in order to make the poorhouse more habitable. Minutes, Quarter Sessions, Kent, October 7, 1795, cited by Webb, I. 478, note 1. The results of the investigations of Oglethorpe and Howard into the prison conditions in this century are notorious. One would like to know whether they had grown worse since the Stuart period.

⁵³ This abuse continued into the eighteenth century. Webb, I. 458-459. One might find more evidences of the political influence exercised by the justices, like that cited by Webb (I. 386, note 2) in the case of those of Bucks, who, in 1821, refused to give any more advertisements to the Aylesbury paper, the principal one in the county, "because it was an opposition organ".

⁵⁴ Mantoux, *La Révolution Industrielle*, p. 470, citing Place, in Webb, *Trade Unionism*, p. 65.

within their respective districts⁵⁵—ill maintenance of roads, sedition, recusancy, drunkenness, and public gaming.⁵⁶ The hundred juries provided a more cumbersome method of effecting the same result.⁵⁷ In the archives of the city and county of Coventry there is a scrap-book of the "Constables Presentments", from 1629 to 1742.⁵⁸ Among the items presented are "not coming to church",⁵⁹ "not hanging out a lantern with a light", "cutting turf from the common", "carrying several loads of gravel away", and so on. These presentments were usually handed in on bits of paper of varying shapes and sizes. This is also true of the presentments of the petty constables, which, so far as they have survived, afford welcome glimpses of village life:

Inhabitants absent from church on four successive Sundays,⁶⁰ or suspected of "recusancy", craftsmen exercising trades without having served a legal apprenticeship, persons "keeping greyhounds", or "setting dogs, nets, or guns without being qualified according to law", traders engrossing provisions or forestalling the market, labourers erecting cottages on the waste without licence from Quarter Sessions, inhabitants refusing to keep nightly watch when ordered by the Constable, or to labour on the roads when commanded by the Surveyor, householders "harbouring vagrants" or "idle persons", "vile persons" abusing or beating the Constable himself, "using slanderous and baleful words" to his wife, or simply not "obeying our charge",

⁵⁵ *Ibid.*, pp. 479, 481. It might be noted here that the manuscript minutes of the quarter sessions of Dorset, October 27 and December 1, 1792, show that the justices of that county adopted the system of "rate in aid of wages", three years before the celebrated Berkshire case of 1795, see Webb, I. 546-547, note 1.

⁵⁶ *Ibid.*, p. 463.

⁵⁷ *E. g.*, about the year 1630 at the Dorset quarter sessions the jury of the hundred of Pimperne "presented that the blacksmith of that place persisted in making a fire 'in the smith's forge there . . . not only for the use of his trade but also for the dressing of his necessities for his family, and for washing and other businesses, whereby the inhabitants . . . have been often endangered to have their houses set on fire'; whereupon Quarter Sessions orders, under penalty of commitment to the county gaol, that he shall 'not use any fire in the time to come in the said forge, save only with sea coal, and that for the necessary use of his trade only.'" Minutes of the Dorset Quarter Sessions, cited by Webb, I. 457 and note 4 from the *Dorset County Chronicle*, May 23, 1844. One would like to know how general was the use of coal in forges thus early.

⁵⁸ Webb, I. 465, note 1.

⁵⁹ There were eighteen presentments for this offense in 1683.

⁶⁰ "These . . . greatly diminished after the Toleration Act of 1689, though this in no way relieved the person who stayed away from church because of a preference for the company of the ale-house or for an enjoyment of the open air. Renewed orders were, in fact, made in 1715 by quarter sessions, in Middlesex, Shropshire, and doubtless other counties, for the enforcement of the laws against absence from religious worship." Webb, I. 469, note 2, citing *Shropshire County Records*, pt. II., p. 22. The Webbs inform us that there are few instances of convictions for recusancy or absence from church after 1715, though they note presentments by the Gloucestershire constables so late as 1740. It would be interesting to tabulate a list from the sixteenth to the eighteenth centuries.

are among the samples which might be cited.⁶¹ But it is time to pass to the third group of materials, which may be found in the records of jurisdictions in private hands.

Not only do such records furnish valuable sources for the study of the life of the people, but the structure and activities of the manorial courts and of the hundreds in private hands during the period from the fourteenth to the eighteenth century offer a promising field of study.⁶² It is clear that the amount of local government carried on by private jurisdictions in the seventeenth and eighteenth centuries by virtue of prescription, charter, or statute was much more extensive than is commonly supposed. The police, until the modern system was introduced by Peel, were largely appointed by the manorial courts and municipal corporations; the suppression of nuisances was, to a considerable extent, in the hands of the leets of private lords and of enfranchised boroughs; the recovery of small debts had passed almost totally from the sheriffs and county courts to the court baron of the lords or the municipal courts of requests;⁶³ hosts of markets and fairs were under individuals or corporate owners of franchises; many lay and clerical lords had their own jails, though no longer their own gallows; and, finally, franchises and corporations well into the eighteenth century still managed the bulk of the land, regulated the rotation of crops, and controlled pastures, together with other incidents of cultivation.⁶⁴ Since the

⁶¹ Webb, I. 469. Another subject on which there are interesting evidences in the records is the abuse of "farming" offices. For example, a vagrant contractor would, for a definite sum, agree to deal with all the vagrants handed over to him, or a jailor would pay a fixed rent and make what profit he could from the prisoners handed over to him. See Webb, I. 522, 525, note 1.

⁶² For example, at Salford in Lancashire the steward of the Earl of Sefton continued down to the middle of the nineteenth century to hold the court leet, view of frankpledge, and the "Court of Record of our Sovereign Lord the King for his Hundred or Wapentake of Salford". Some records of the lord's court, 1597-1669, have been published under the title of *The Portmote or Court Leet Records of the Borough or Town and Royal Manor of Salford* (ed. J. G. de T. Mandley, Chetham Society, vols. XLVI., XLVIII., 1902). For information on such courts see House of Commons, *Returns of Hundred Courts* (1838); *Courts of Requests* (1840); and the *Fifth Report of the Royal Commission on the Courts of Common Law* (1833).

⁶³ Sometimes called courts of pleas. There were 240 of these courts of requests at the beginning of the nineteenth century, Spencer Walpole, *History of England from 1815* (1905), III. 273.

⁶⁴ Apparently scholars were not aware of the extent and importance of these survivals of private jurisdiction until the appearance of the Webbs' *English Local Government*, see especially II. 4, 5, and they give a bibliography of the subject, p. 10, note 2, though, as they point out, there is apparently "no adequate study of the Lord's Court, as an organ of Local Government, from the beginning to the end of its development".

manuscript entry books of many of these manorial and other private courts are extant it is to be hoped that they may soon be fully studied.

Another interesting fact is the existence of hierarchies of private jurisdiction, though these have been supposed to be extremely rare even in the Middle Ages.⁶⁵ A remarkable series were those of the ancient hundred of Berkeley in Gloucestershire under the lord of Berkeley Castle. Highest of all was the hundred court for the whole area; then there were numerous *halimotes* for the various manors within the district; and, finally, certain borough courts or leets held in townships which had been constituted boroughs by seignorial grants.⁶⁶ The central court lost its criminal jurisdiction about 1700; its presentment of nuisances about 1800; and yielded its right of trying civil suit to the new county courts in 1846. There were two boroughs, Berkeley and Wotton, and a survey of the presentments made at their courts reproduces for us with rare fidelity their local life and its problems.

No pigs are to go at large, under penalty of three and fourpence, the Hayward being ordered to impound any found wandering and to take his own fee of twopence; no "soil, dung, apple must, or any other stinking matter" is to be deposited in Berkeley streets, under penalty of a pound, and the Scavengers are ordered to sweep up all dirt into heaps every Saturday, for the officers of the Lord to carry it out of the Borough . . . every person coming into the Borough to carry on business or set up a household . . . is to pay the Mayor six and eightpence as of old; nobody but the Mayor shall put up any stall in the Market or Fair; the right of all persons to a free wharf or landing place on the river is declared and perpetuated.

In Wotton "a butcher is presented 'for putting stinking meat to sale in our market'; and other frequenters for selling goods 'by weight unlawful being too light'".⁶⁷ Manchester was governed by a manorial court so late as 1846 when the town council bought from Sir Oswald Mosley of Rolleston Hall for £200,000 the manor and all its rights and incidents. Down to the nineteenth century the lord continued to draw profits from his mill, his oven, and his market;⁶⁸

⁶⁵ E. g., Medley, *Manual of English Constitutional History*, p. 342.

⁶⁶ For a bibliography, see Webb, II. 34, note 1. Another instance of a hierarchy of courts is furnished in the manor of Taunton, extending over a vast area in Somerset. Here the manor was above the hundred. Indeed, it exercised jurisdiction, down to Victoria's time, over five hundreds, as well as over various tithings and parishes, embracing within its sway many minor courts. To cite one more instance, the records of the court leet of Savoy in Westminster, extant from 1682 to 1789, indicate that it exercised manifold activities well into the eighteenth century. For a long time the Earl of Arundel had a hierarchy of courts. Webb, II. 175, note 1.

⁶⁷ *Ibid.*, pp. 39-40, citing the court rolls.

⁶⁸ *Ibid.*, p. 106.

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there was an annual three-days fair with many quaint survivals,⁶⁹ and it is interesting to notice that there was an obligation on all the inhabitants—enforced so late as the seventeenth century—"to 'watch' in turn, bringing 'each a Jack, a Sallet, and a Bill', 'or hire some sufficient person to do it'".⁷⁰ Only a few cases can be mentioned of the late survivals of these private jurisdictions.⁷¹ Godmanchester in the county of Huntingdon had not only a court of pleas and a court leet, but a court of pie powder for its mart or fair.⁷²

Altrincham in Cheshire was a lord's borough of which the court leet and court of pleas constituted a part of the hierarchy of the courts of the barony of Dunham Massey.⁷³ The borough courts held every six months before the lord's steward and the "mayor of the borough", and attended by a "grand jury" of the freeholders, had extensive and varied business. Besides electing a mayor, bailiff, two constables, and such other officers as burleymen, pinders, ale-tasters, dog-muzzlers, scavengers, and market-lookers, they appointed "laylayers" to assess and collect the rates they levied, as well as surveyors of highways and overseers of the poor.⁷⁴ Moreover, the courts regulated the town field, cultivated in strips; they had control over the town pasture, besides exercising police and sanitary

⁶⁹ Webb, II. 107.

⁷⁰ *Ibid.*, p. 109. The records of the court of Manchester have been printed in full, *The Court Leet Records of the Manor of Manchester* (12 vols., ed. J. P. Earwaker, 1884-1890). There are many instances in the smaller towns of Lancashire of late survivals of manorial jurisdiction. Webb, II. 113, note 1.

⁷¹ In the case of Ashton-under-Lyne, the lord's court, under the ownership of the Earl of Stamford, continued to exercise local government functions as late, certainly, as 1907. Instances might be multiplied: the rolls of the manor of Stanton (1338-1773) indicate many and varied activities; another is the manor of the Castle of Bamborough; still another is to be found in Sheffield, long a manorial borough under the Duke of Norfolk. See Webb, II. 74, 90, and 201-203.

⁷² *Ibid.*, p. 181. Of the lord's borough of Alresford which had been granted a constitution by the Bishop of Winchester, 1570-1572, and had constituted a court baron for the settlement of disputes and debts and a court of pie powder, there are manuscript records, 1657-1720, 1781-1835, as well as "sundry inconsecutive archives" between 1628 and 1705. Gosport was another borough created by the Bishop of Winchester, with records from 1623 to 1835, though most of its activities ceased by 1720. *Ibid.*, pp. 163, 164.

⁷³ The manuscript records of the Altrincham courts date back to 1658 at least. *Ibid.*, p. 165, note 1.

⁷⁴ The "laylayers" continued to be chosen so late as 1839. Apparently the appointment of overseers of the poor and surveyors of highways was discontinued early in the nineteenth century, when a church was built at Altrincham and parish vestry meetings began to be held. This whole question of the transference of manorial administration to parish vestries, prior to 1689, when the Webbs begin their work, needs further study.

duties.⁷⁵ They also regulated the market and the rules of baking in the municipal bakehouse, though the profit of the market and the cornmill went to the lord of the manor.⁷⁶ The court rolls of the manor of Great Tew in Oxfordshire⁷⁷ show that in 1761 the community "decided on the revolutionary step of changing from a three to a nine years' course [in the rotation of crops]—at a date, be it noted, when many a capitalist farmer was still wedded to the old-fashioned routine, thus indicating that agricultural administration by the Lord's Court was not necessarily so inefficient nor so unprogressive as is sometimes supposed."⁷⁸

These are only a few of the cases, selected from the mass of material collected by the Webbs, which might be cited against the prevalent error that manorial courts had practically died out in the modern period.⁷⁹ If there are such traces of activity in the eighteenth century it is fair to assume that a study of the rolls for two or three hundred years prior to that period would yield rich results.⁸⁰ Although the evidence is obscure and conflicting, there is considerable likelihood that "up and down the country there were, especially in the north of England, scores of such courts holding pleas of debt and trespass up to forty shillings,⁸¹ right down to the reign of Victoria".⁸²

⁷⁵ They dealt, among other things, with "tumults and affrays". A curious instance occurred in 1716 when one J. R., found guilty of a "disturbance and tumult of high nature", was fined ten shillings! It is a pity that those responsible for the introduction of the belligerent bird into our own country could not have known that in 1755 they ordered the destruction of the sparrows, "a very injurious bird within the limits of this township"; an order which had to be repeated again in 1763 and 1789.

⁷⁶ For a full account of this series of courts, how typical we have yet to learn, see Webb, II. 165-167, and notes. In some manors, for example at Fulham, it was provided that the manor hall should be kept by the rector of the parish, and the obligation was enjoined by presentment at the court leet. For further information on this point see Webb, II. 79, note 1.

⁷⁷ Famous as the possession, on the eve of the Civil War, of Lord Falkland. Mr. Boulton is the present lord. The manor consists of 3000 acres occupied by three or fourscore families.

⁷⁸ Webb, II. 79-80. In the following pages (80-87) extracts from the rolls of 1692, 1756, 1759, and 1761 are printed, which give a most lifelike picture of the system of common-field agriculture in actual working.

⁷⁹ For example, Professor R. G. Usher, in an excellent article on "The Significance and Early Interpretation of the Statute of Uses" (*Washington University Studies*, vol. I., pt. II., no. 1), appearing so recently as October of last year (1913), says, p. 47, referring to the sixteenth century: "the local manorial courts . . . were now almost entirely superseded by the Common Law Courts and the Assizes."

⁸⁰ Webb, II. 120, continuing note 4, beginning p. 119.

⁸¹ It is well known that the Statute of Gloucester of 1278 (6 Ed. I., c. 8), which for the purpose of relieving the three common-law courts, provided that they should take cognizance of no case involving less than forty shillings, was interpreted to mean that the local courts could deal with no cases involving more than that sum.

⁸² No systematic list or record of these courts has ever been made. Moreover, much of the material relating to them has perished; for stewards often omitted to

This is evident from the few records that have been investigated,⁸³ from the survival of curious manorial privileges,⁸⁴ and from the nature of the cases. Otherwise, it would be difficult to explain where outside the towns⁸⁵ small civil actions and cases of petty debt were dealt with until the creation of the county courts in 1846: the justices of the peace and the courts over which they presided dealt only with criminal cases and administrative business while it is obvious that these civil cases were too many and too insignificant for the assizes.⁸⁶ The study of the manorial rolls of the modern period promises much new as well as valuable information. For instance, they show that there was far more regulation of agricultural affairs than so pre-eminent a scholar as Maitland supposed.⁸⁷ Again, while he was able to show, in contradiction to the classic view for which Coke is largely responsible, that in the typical manor of the Middle Ages there

enter lengthy presentments, while many of those which exist are scattered among private family papers. The collections of manor rolls most easily accessible to students are those of manors in the hands of public authorities such as the commissioners of woods, forests, and land revenues (there is a list of one hundred manors in the Parliamentary Papers for July 6, 1845) and in the London office of the Ecclesiastical Commissioners. Those in the Public Record Office, the British Museum, and such depositories relate mostly to the earlier period, as is the case with most of the rolls which have been printed. A useful list of the manorial records in the principal public depositories may be found in N. J. Hone's *The Manor and Manorial Records* (1906), pp. 243-301. See Webb, II. 116, note 1. The evidence of this continued activity is to be seen in the "Orders and Directions" of the Privy Council of 1630, which "definitely placed no small share of the responsibility for the enforcement of police regulations upon the stewards of the lord's courts", and the lords of leets and stewards of courts appointed constables so late as the end of the eighteenth century. *Ibid.*, p. 118.

⁸³ See *ibid.*, p. 72, and notes 1 and 2.

⁸⁴ For instance, heriots were collected even in the nineteenth century, and there are strikingly late survivals of deodands. In 1841 after the accident on the Great Western at Sonning, a railway carriage is said to have been taken by the lord of the manor. Certainly the deodand, in 1840, was valued at £2000 by a jury in the case of an accident of the London and Birmingham. The right was taken away from the manorial lords in 1846. Webb, II. 75, note 3.

⁸⁵ See above, note 61.

⁸⁶ Indeed by the Statute of Gloucester they were prohibited from dealing with those which involved less than 40 s. See above, note 81. They were held only twice a year; in 1829 the chief justice of the King's Bench tried 406 cases relating to sums of less than £20 (Walpole, *History of England*, III. 273-274, citing Hansard, third series, I. 720); but by the Statute of Gloucester he could have tried none under 40 s. Of course, the volume of business has swelled amazingly in the last century; but, even at that, it is not without significance that the county courts, together with those of the city of London, disposed of 1,300,000 cases in 1907. Of these judgment was given by default in 448,000; 413,000 were dismissed; 38,000 were tried by the judges, without a jury, and 929 with a jury; and 404,000 were dealt with by the registers, recorders, and referees. *The Nation*, December 11, 1913, p. 558.

⁸⁷ Webb, II. 77-79, citing Maitland, *Township and Borough*, p. 25.

were not three distinct tribunals—the court leet, the court baron, and the court customary—but one undifferentiated court, the later records show that the same was often⁸⁸ true of the modern manor.⁸⁹

Arguing from the known to the unknown, for I have been obliged to confine myself to what the printed materials disclose, I have sought to show that a study of the reports of the common-law courts, of the records of quarter sessions, and the rolls of manors will richly reward the patient investigator. Not only will it tell him much about the application of current political thinking, about the evolution of judge-made law, about the manifold activities of the local magistrates and local tribunals, but it promises fresh light on much that is vague and dim, especially on the way in which the people of the past centuries really lived and worked.

ARTHUR LYON CROSS.

⁸⁸ Maitland, *Select Pleas in Manorial and Seignorial Courts* (Selden Society, London, 1899).

⁸⁹ This is manifest, for example, from the records of the "Court of View of Frankpledge with Court Baron" of the manor of Tweedmouth and Spittal. They cover the period from 1658 to 1663, with "less full minutes" extending to 1819. "The entries show that the Court passed higgledy-piggledy from one kind of business to the other, whether it was the presentment of a nuisance, the admission of a new copyholder, the appointment of a constable, the verdict in an action on the case between two inhabitants, or the punishment of a common scold." Webb, II. 95.

COMMITTEES OF COUNCIL AND THE CABINET 1660-1688

IN the latter part of the seventeenth century the Privy Council of England held proud position, and traced its lineage back through many a year. It contained at different times from thirty to fifty members. Meeting in the king's palace, usually in the council chamber at Whitehall, it transacted foreign and domestic business of importance and detail. It was executive, legislative, judicial, and consultative, and it seemed to be the real advisory council of the sovereign. But most of its power and a great deal of its usefulness had departed. For a long while this council had been neglected by its masters, while they turned themselves away to new devices. And now, substance and spirit were gone; it was the appearance which remained, form and ceremonial in remembrance of the past. This was known by some in the seventeenth century; it was all described by contemporaries; and then it was handed down in tradition. The most thorough research will only establish and confirm it.

As the council enlarged, and as the king gave it less of his confidence, much of its work was gradually taken over by committees of the council, some of which were formed to have charge of particular business, some of which assumed all the important work of the larger body. It was in connection with these committees that the cabinet had its origin.

The committee system appeared in Tudor times. It was well developed at the beginning of the Stuart period, and was approved by Bacon among others. "I commend", he says, "also standing commissions; as for trade, for treasure, for war, for suits, for some provinces . . . Let such as are to inform counsels . . . be first heard before committees; and then, as occasion serves, before the counsel."¹ After the Restoration dividing of the larger body began at once. Less than two months after his return Charles appointed a temporary committee of six "to consider of certaine proposalls humbly offered to his Matie: for the Raising of 500,000 li".² At the very beginning of the next volume of the register two standing committees are noted: "Committee for Irish affaires", and "Committee for

¹ *Essays*, "Of Counsel".

² Privy Council Register, LIV., July 11, 1660.

Foraigne Plantacons".³ Thereafter committees temporary or standing were frequently appointed and for divers ends.⁴ In the earlier years of the reign there were among others, committees for Denmark and the Hansa towns, for his Majesty's coronation, for the navy, for Spain, for the affairs of the Prince of Orange, for the plantations, for New England, for the postmasters, for Bombay, for distributing sixty thousand pounds among poor Cavaliers, for the militia, for the tin farm, for navigable rivers, and for erecting a bridge at Putney over the Thames.⁵ A list in 1668 shows that up to that time seventy-two had been appointed.⁶

Standing committees were designed for preliminary consideration of all business of a particular kind, and continued until dissolved or superseded; temporary committees were only to deal with some particular affair, or act on special occasion. The plantations committee of 1660 was appointed "to meet and sitt as a Comttee. every Munday and Thursday at three of the Clock in the afternoone".⁷ About the same time several members were nominated "to bee a Comttee." to treat with the ambassador of Portugal.⁸

Numbers varied. There were ten in the plantations committee, and twelve in the committee for Irish affairs. There were eight in a committee for the regulation of the navy;⁹ eight were named to treat with the Portuguese ambassador, and five were afterwards added.¹⁰ At this time the membership of the council was about thirty. Later on the council enlarged, and then the committees became larger also. The committee of the navy in 1668 contained fifteen, with four more added soon after.¹¹ Such was the case with the committee of trade, while the committee of complaints and grievances contained seventeen.¹² At this time the membership of the council was more than forty. It was usually arranged that a quorum should be any three or four, though sometimes the presence of certain members was necessary.¹³

³ *Ibid.*, LV., f. ii. The "Commissionrs. for the Treasorie" appear with them.

⁴ See Stowe MS. 489, ff. 2-5.

⁵ "Committees appointed by the Councill Boord". State Papers, Domestic, Charles II., CCLXXVI., ff. 374-382.

⁶ *Ibid.*, ff. 374-383.

⁷ Privy Council Register, LIV., July 4, 1660.

⁸ *Ibid.*, August 8, 1660.

⁹ *Ibid.*, June 27, 1660.

¹⁰ *Ibid.*, August 8, September 5, 1660.

¹¹ *Ibid.*, LX., February 12, 1667/8, July 29, 1668.

¹² *Ibid.*, February 12, 1667/8.

¹³ Of a committee of eleven "For Improvemt of Trade by dispenceing with the Act of Navigacon", a quorum was to be "any three or more of them (over and besides the Ld Thr'er and Lord Ashley" "who are to bee two". St. P. Dom., Charles II., CCLXXVI., f. 381. See Privy Council Register, LVIII., February 22, 1664/5.

Those appointed to committees were the important members of council, and the ones best qualified for the work to be done; though there were also some whose position seems to have had as little significance as their membership in the council itself. The council leaders were often named for several committees. This was the case with the standing committees constituted in 1668,¹⁴ while of the fifty-four appointed in the years 1660 to 1664, the two secretaries of state were on forty-three, Sir Anthony Ashley Cooper on forty-one, the Earl of Anglesey on thirty-six, the lord treasurer on thirty-one, and the lord chancellor on seventeen.¹⁵

The time of meeting was often arranged when the committee was appointed; some of them were "to meet at such time and place as they shall think fitt".¹⁶ Some were to assemble regularly in the council chamber,¹⁷ and others at times did so. The foreign committee of 1668 was to meet in the office of the secretary of state.¹⁸ Pepys attended many meetings of the Tangier committee in the lodgings of the Duke of York.¹⁹ Others met in various places and where the members found it convenient.²⁰

The business was that which they were specially appointed to consider, though the greater ones dealt with many and varied affairs. In 1668 a list of "Businesses Referred to the Committee for Trade and Plantations" has to do with the French ambassador's memorial about the losses of the French West India Company, with several petitions, with a list of ships trading from his Majesty's plantations to Tangier, and with representations of the Spanish ambassador.²¹ As will be shown, such bodies as the foreign committee and the committee of intelligence came to deal with most of the important matters of administration. Frequently minutes were taken, though they were not usually registered or carefully preserved.²² Matters were referred from the council to various committees, where they were considered and debated, outsiders being summoned to testify when necessary, after which reports or representations were presented in

¹⁴ Privy Council Register, LX., February 12, 1667/8.

¹⁵ "List of Committees of the Councell till '64 Nov." St. P. Dom., Charles II., CIV., ff. 139-148.

¹⁶ Privy Council Register, LIV., July 11, 1660.

¹⁷ *Ibid.*, LX., February 12, 1667/8.

¹⁸ *Ibid.*

¹⁹ See *Diary* (ed. H. B. Wheatley, London, 1893-1899), January 16, 1664/5.

²⁰ See St. P. Dom., Charles II., CCXXXI., September 13, 1667.

²¹ *Ibid.*, CCLV., October 29, 1668.

²² *Ibid.*, XXIII., June 18, 1660; CCXXV., December 23, 1667. "The Journal of the Committee of the Privy Council for the Affairs of Ireland" is mentioned in House of Lords MSS., *Historical MSS. Commission Reports*, 12, VI. 165.

council.²³ By the regulations of 1668 all council business was first to be read in the Privy Council, and then referred to the proper committee for consideration and report; though petitions, if there was no disagreement, might be settled by the councillors without reference.²⁴ Foreign affairs, however, and all treasury matters were to go to the commissioners in the first instance, and in all cases the sanction of a committee was to be necessary before an order of council was issued.²⁵

Committees were appointed for division of labor and for the easier transaction of business, and this was particularly the case when Charles instituted his four standing committees in 1668.²⁶ On this occasion the king declared that considering the method employed, "And reflecting that his Councils would have more Reputation if they were putt into a more settled, and Established Course", he "Hath thought fitt to Appoynt certain Standing Comttees. of the Council for severall Businesses, together with Regular dayes and Places for their Assembling".²⁷ Often meetings were not held, or the attendance was as poor as it was in the whole council.²⁸ The rule was that a member absent without proper excuse should be dropped,²⁹ but either this was not enforced or else it was ineffective. In 1675 the committee of trade and plantations consisted of twenty-one members, but of these it was arranged that nine should have particular care of the business, and five of them might be a quorum.³⁰ It was probably for this reason that some of the dependable members were assigned to all of the committees, and that some of the committees might be attended by any member of the council,³¹ an arrangement leading gradually to the appearance of the committee of the whole council. Frequently the work was lagging and inefficient.

We to a Committee of the Council [says Pepys], to discourse concerning pressing of men; but, Lord! how they meet; never sit down:

²³ See "Report from the Committee of Trade and Plantations". St. P. Dom., Charles II., CCLV., February 10, 1668/9.

²⁴ Privy Council Register, LX., February 12, 1667/8.

²⁵ "As on the One side, nothing is hereafter to be Resolved in Council till the Matter hath been first Examined, and have Received the Opinion of some Committee or other, so on the other hand nothing be Referred to any Committee, untill it have been first read at the Board." *Ibid.*

²⁶ See Egerton MS. 2543, ff. 205, 206; Privy Council Register, LX., February 12, 1667/8.

²⁷ Privy Council Register, LX., February 12, 1667/8.

²⁸ "This day his Matie: Complaineing that the Committee appointed to treat with forreigne Ambassadors: Agents etc seldome meete", did command the secretaries to keep an account of the names of those absent on days appointed. *Ibid.*, LV., November 15, 1661. See St. P. Dom., Charles II., CCLV., April 7, 1667.

²⁹ Privy Council Register, LIV., f. ii.

³⁰ *Ibid.*, LXIV., March 12, 1674/5.

³¹ *Ibid.*, LX., February 12, 1667/8.

one comes, now another goes, then comes another; one complaining that nothing is done, another swearing that he hath been there these two hours and nobody come. At last it come to this, my Lord Annesly, says he, "I think we must be forced to get the King to come to every committee; for I do not see that we do any thing at any time but when he is here".³²

The truth is that only the most important committees met regularly with good attendance, and that in the lesser committees those who attended regularly were members of the important ones. That the power of the Privy Council became concentrated in the hands of a few members who made up a greater committee was both cause and result of this.

That which the kings of England considered peculiarly their own and were willing to share only with a few confidants and powerful servants, was the conduct of foreign affairs. The most important development in the Privy Council during this period is the substitution in foreign affairs and matters of state of a foreign committee for the council, the gradual engrossing of all important business by this committee, and the appearance of the cabinet or cabal in connection with it. An informal committee of foreign affairs was established by Charles II. almost immediately after the Restoration.³³ In 1668 he formally constituted a "Committee of Forraigne Affayres" as a standing division of the council.³⁴ It consisted of eight of his ablest and most trusted servants and his brother, the Duke of York. Besides extraordinary meetings it was to assemble every Monday in the office of the secretary of state in Whitehall. By the terms of its appointment it was in addition to the management of foreign affairs to correspond "with Justices of the Peace, and other his Mats. Officers and Ministers in the severall Countyes of the Kingdome, Concerning the Temper of the Kingdome etc."³⁵

The activity of this foreign committee is the most interesting episode in the development from administration by monarch and Privy Council to cabinet government. Here is seen that working of a group of councillors entirely in the interests of the king, and not of Parliament, which led to the temporary defeat of the king and the ostensible rehabilitation of the council in 1679, and afterwards to the final defeat of the sovereign in 1688. And nowhere can the activity of an inner conciliar body be studied to better advantage than here, for while the memorials of earlier bodies of this kind scarcely exist,

³² *Diary*, February 27, 1664/5.

³³ St. P. Dom., Charles II., XXIII., June 18, 1660.

³⁴ Privy Council Register, LX., February 12, 1667/8.

³⁵ *Ibid.* Williamson describes it as "That of Foreigne affaires, and of the g'rall Peace of and temper of the Kingdome within". St. P. Dom., Charles II., CCLIII., January 31, 1667/8.

and while the minutes of the cabinet later on are widely scattered and often scanty, there is for the foreign committee a fairly complete record of the years 1668 to 1678, first in the hasty notes of Sir Joseph Williamson, secretary of state, and then in the completer minutes copied in fair hand, possibly by one of his clerks.³⁶

The members of the foreign committee as appointed in 1668 were the Duke of York, Prince Rupert, the lord keeper, the lord privy seal, the dukes of Buckingham and Albemarle, the two secretaries of state, and afterwards Ormonde. Various changes were made from time to time as great lords gained the king's favor or lost his countenance.³⁷ As in the case of all other bodies of this kind, while the importance of the committee increased, membership increased also. Regular meetings were held once or twice a week, and even three times,³⁸ with additional ones specially called.³⁹ They were usually, but not always, at Whitehall, in the office of the secretary. The attendance was sometimes as low as two, and very often not more than six.⁴⁰ The king attended so regularly that his absence seemed to call for special comment.⁴¹

The business was ostensibly the conduct of foreign affairs and diplomatic relations, but actually it included all important matters of whatever kind. Ambassadors were received in conference and their representations considered;⁴² letters and despatches came in from abroad⁴³ and instructions were sent out in turn.⁴⁴ The terms

³⁶ The notes of the secretary are in St. P. Dom., Charles II., CCCLXVI. They are incomplete and difficult to read. A few of his notes occur also in St. P. Miscellaneous, CCXV. The fuller minutes are in St. P., Foreign, Entry Books, Miscellaneous, CLXXVI.-CLXXX.

³⁷ At the beginning of 1672, apparently the members were the Duke of York, Prince Rupert, Buckingham, Lauderdale, Arlington, Ashley, Sir Thomas Clifford, and Coventry; that is, the members of the royal family, the "cabal", and the other secretary. St. P. For., Entry Books, Misc., CLXXVII., note on the outside leaf.

³⁸ "This Committee appointed to meet Sundays and Thursdays—at three afternoone." St. P. For., Entry Books, Misc., CLXXVI., October 22, 1668. "This Committee to meet Mondayes Thursdayes morning. Saturdayes afternoone." *Ibid.*, CLXXVII., note on the outside leaf, probably about March, 1672.

³⁹ St. P. Dom., Charles II., CCCLXVI., January 15, 1675/6.

⁴⁰ It is difficult to be certain about this, since not all of the minutes furnish lists of those present.

⁴¹ Note by Sir Joseph Williamson: "The K. and D. not there." St. P. Dom., Charles II., CCCLXVI., January 16, 1675/6.

⁴² "Van Beunigen coming to the For. Committee offers his thoughts in writing as to the Heads of a Treaty between Us and Them." St. P. Misc., CCXV., February 21, 1677/8. "D. Ambr. called to For. Committee." *Ibid.*, March 2, 1677/8. Also St. P. For., Entry Books, Misc., CLXXX., April 9, May 3, 1678.

⁴³ "Hollands and Danes Ministers Memorials."

An Answer to be given in writing pretty round and sharp." St. P. Dom., Charles II., CCCLXVI., July 9, 1676.

⁴⁴ St. P. Misc., CCXV., June 18, 1678; St. P. For., Entry Books, Misc., CLXXVI.

of treaties were decided⁴⁵ and declarations of war resolved.⁴⁶ In addition, Irish affairs were taken in charge⁴⁷ and also colonial matters of moment.⁴⁸ Domestic business, from such important things as religious policy and parliamentary management⁴⁹ to the punishment of seditious words,⁵⁰ were also comprehended within its province. In 1668 a "Committee of Foreign affairs" considered treaties between England, Sweden, and Holland, determined to complain to the Privy Council about Sir Robert Southwell's signing in second place a treaty between Spain and Portugal, and then dealt with various things relating to Holland, Sweden, France, and England.⁵¹ In a meeting of 1669 the king and eight members dealt with matters concerning France, Holland, Ireland, and Parliament.⁵² The day before in the committee there had been lengthy discussion of the affairs of Scotland. At another time the king in committee considered the information of a Quakeress about dangerous designs of Fifth Monarchy men, resolved what should be said in proroguing Parliament, and then dealt with orders and communications about Spain and Holland.⁵³

The Privy Council referred things to the foreign committee for consideration, and from the foreign committee, as from other committees, recommendations were made and decisions came back for

⁴⁵ "The terms to be insisted on were soon agreed by his Majesty at the foreign committee . . . with whom his Majesty ordered my attendance upon this affair." Sir William Temple, "Memoirs", *Works* (London, 1814), II. 254.

⁴⁶ "Draught of a Declaration of Warre agt Holland produced and with amendmts approved." St. P. For., Entry Books, Misc., CLXXVII., March 16, 1671/2.

⁴⁷ St. P. Dom., Charles II., CCLXXI., August 16, 1669.

⁴⁸ The petition of Gorges asking that the province of Maine, taken from him by the authorities of Massachusetts, be restored to him, was first referred to the committee of trade; "But it appearing to be a matter of Importance", it was referred by the king to the foreign committee. Privy Council Register, LXIII., January 26, 1669/70, May 11, 1670.

⁴⁹ "Res. at foreign Committee to mind the H. Commons tomorrow by me of the further supply mentioned to them yesterday by the K. etc. But afterwards the K. after the Committee up changed his mind and a For. Committee appointed for tomorrow morning. at which the Prorog proved to be ordered." Note of Sir Joseph Williamson, St. P. Misc., CCXV., May 12, 1678. See also his note at the committee:

"Parliamt.

the addresse.

1. If presently to answer.

2. If to be given in writing."

St. P. For., Entry Books, Misc., CLXXIX., March 17, 1676/7.

⁵⁰ St. P. Dom., Charles II., CCCLXVI., January 9, 1675/6.

⁵¹ St. P. For., Entry Books, Misc., CLXXVI., May 28, 1668.

⁵² *Ibid.*, November 14, 1669.

⁵³ *Ibid.*, April 10, 1670.

formal approval.⁵⁴ But this committee now differed from all other parts of the council, for it considered not only foreign matters but all important things as well, and because here great things were not merely deliberated but decided. Actually, in the foreign committee important affairs were taken up before they were dealt with elsewhere, and sometimes they were considered in no other place. "The Councell must be warned to attend his Maty tomorrow morneing at Whitehall, and the Committee of Forreigne affaires to attend him somewhat earlier, vizt at 9 a Clock in the morneing at the Treasury Chamber", writes Arlington from Windsor.⁵⁵ In 1670 the committee decide the address which the king will make in Parliament:

His Maty will please to thanke them for
haveing done all he desired and nothing
that he would not have done.

The Adjurnmt. is to be by his Matys
declareing to the Houses that he will
have them adjourne themselves till
the 24. Oct. next.

what is sd in complimt to the Commons,
is to be so done, as not to overthanke
them, so as to leave an argumt with
them not to perfect in the rest.⁵⁶

"The parlmt by proca adiorned till November to be formally resolved next Councel day", writes the secretary in foreign committee.⁵⁷ Two days later the minutes of the council note that since his Majesty "Hath by the Advice of his Privy Councill resolved to deferr their Meeting till November next", the attorney-general shall prepare a proclamation.⁵⁸ March 15, 1672, the Privy Council record contains a bare statement that this day the king commanded Lord Arlington to "cause his Matys: Declaration to all his Loving Subjects . . . to be forthwith printed and published",⁵⁹ but a few days earlier at Lord Arlington's lodgings the king in foreign committee with six intimate associates had held this conversation:

as to a Liberty in mattrs Ecclec'all.
The K. have I any powr to alter.

⁵⁴ "The businesse of N. Yorke. The whole matter to be brought before the Councell tomorrow, and Coll. Nicholls to attend." St. P. For., Entry Books, Misc., CLXXVI., November 17, 1668. The next day the king in council ordered revoked passes granted the Dutch to trade to New York. Privy Council Register, LXI., November 18, 1668.

⁵⁵ St. P. Dom., Charles II., CCXCI., June 21, 1671.

⁵⁶ St. P. For., Entry Books, Misc., CLXXVI., April 10, 1670.

⁵⁷ *Ibid.*, June 29, 1668.

⁵⁸ Privy Council Register, LX., July 1, 1668.

⁵⁹ *Ibid.*, LXIII., March 15, 1671/2.

E. Laud. you are supreme Govenr etc.
 Mr Treas. yr Maty has more then is thought
 for. may make a Vicar G'rall, above the
 Archbp. etc. the Act of Uniformity settles the Rule,
 may dispense with it.
 L. Ash. Bye that Argument the K. may
 declare Eresyes, excommunicate, burne, etc.⁶⁰

And the entire question of the king's power and the terms of the declaration of indulgence had been argued minutely in a series of meetings in the days intervening.⁶¹ At the last of these "the Declaration in mattrs Ecclecall read and allowed. ordered to be brought to the Councell Board". In 1672, at a large committee of the king and eleven, besides four outsiders, there was a long discussion about the choice of a speaker, at the end of which the king "commands an absolute silence in all that has been said here".⁶² In 1677, when the committee considers the petition of the Earl of Shaftesbury, the secretary merely notes, "If my Lord thinks this an ill aire, the King will think of some other Prison in a better air."⁶³ Sometimes the opinion of the council is really taken into consideration,⁶⁴ but often this is a mere formality and nothing more.

Apparently the activity of the foreign committee was brought to an end in 1679, when the king remodelled the Privy Council, and promised for the future to dispense with an interior body. He did not keep this promise, however, and within a few days had appointed a "Committee of Intelligence", which was merely the old committee under a new name. The minutes of this body, which extend over three years, show that it continued to some extent the procedure of the committee of foreign affairs, except that the king was coming to entrust his business less and less to any part of the Privy Council. Primarily it dealt with foreign affairs, but it was concerned also with the management of business of all kinds, and considered and decided largely before this business was dealt with in Privy Council.⁶⁵ After a while it is lost sight of, but from later allusions to a "Committee of Foreign Affairs" it would seem that during the last years of Charles something of the kind lingered on.⁶⁶

⁶⁰ St. P. For., Entry Books, Misc., CLXXVII., March 6, 1671/2.

⁶¹ *Ibid.*, March 9, 11, 14, 1671/2.

⁶² *Ibid.*, November 24, 1672.

⁶³ *Ibid.*, CLXXIX., August 3, 1677.

⁶⁴ "The Draught of this Answr to be read at Councell etc. but first the Memorill to be read and the Sense of the Councell to be taken upon it, and the Answer to be made out of that." St. P. For., Entry Books, Misc., CLXXVI., September 15, 1668. See Privy Council Register, LXI., September 21, 1668.

⁶⁵ Add. MS. 15643.

⁶⁶ St. P. Dom., Entry Books, LXVIII., February 25, 1681/2; Ormonde MSS. (new series), *Hist. MSS. Comm. Reports*, V. 311, VI. 102; Graham MSS., *Hist. MSS. Comm. Reports*, VII. 357, 359, 360, 367.

The majority of Englishmen in the seventeenth century believed that the government of their country was in the hands of Parliament and the king assisted by his Privy Council. For a long time, however, it had been seen by most of those at court, and even by some at a distance, that the king relied usually on a small group of powerful favorites. Whether this group was a committee of the Privy Council or a body independent of the council could not always be seen clearly; but men described it as "junto", "cabal", and "cabinet", and under these names inveighed against it.

In after days the cabinet was traced back to the time of Elizabeth,⁶⁷ but it was noticed by contemporaries in the reign of James I., and attacked and condemned in the reign of his son.⁶⁸ In 1642 one of the grievances which the two houses alleged against the king was "The managing and transacting the great Affairs of the Realm in private Cabinet Councils, by Men unknown, not trusted by the Wisdom of the Law, nor well-affected to the Public Good of the Kingdom".⁶⁹ This name, as well as "junto" and "cabal", appears from time to time during the early Stuart period and also in the days of the Protectorate.⁷⁰ After the Restoration allusions to the secret body became increasingly frequent. In 1662 an informer reported of one who had said that "The King did not mind Government, but his Mistresses, and that all was carried on by the Queen, and her Caball at Somersett house".⁷¹ "On Thursday the King . . . when he returned he landed at Worster House, and stayed there at a Cabinet Council till past nine", says Sir Paul Neile in 1666.⁷² "My heart and head to-night is full of the Victualling business, being overjoyed and proud at my success in my proposal about it, it being read before the King, Duke, and the Caball with complete applause and satisfaction", writes Pepys,⁷³ and he mentions the cabinet and the cabal repeatedly in the record of his doings. Nor is the use of these words restricted to the neighborhood of the court.

⁶⁷ See Frankland-Russell-Astley MSS., *Hist. MSS. Comm. Reports*, pp. 76, 77.

⁶⁸ For allusions to the cabinet in the earlier period, see the introduction to my paper, "The Development of the Cabinet, 1688-1760", part I., *AMERICAN HISTORICAL REVIEW*, XVIII. 751-753 (July, 1913).

⁶⁹ *Lords Journals*, IV. 690.

⁷⁰ "There is a great lady of France, a professed opposite of Cardinal Richelieu, that is hourly expected, being fled out of France for being of the Queen of France's cabal" (1637). De La Warr MSS., *Hist. MSS. Comm. Reports*, IV. 293. In 1644 a writer taunts his opponent with "your Cabinet or Junto". *Mercurius Britannicus*, July 22, 1644. In 1655 a writer, describing the administration of the English army in Jamaica, speaks of "the Cabinet Council" there. Lowndes MSS., *Hist. MSS. Comm. Reports*, VII. 575.

⁷¹ St. P. Dom., Charles II., LXI., October 31, 1662.

⁷² Graham MSS., *Hist. MSS. Comm. Reports*, VI. 338.

⁷³ *Diary*, October 14, 1665.

A "Cabinet Council" at Wallingford House is mentioned in a newsletter of 1669,⁷⁴ and an Italian ambassador of the time, writing back to his government, declares that Prince Rupert is a member of the council of state and of the cabinet.⁷⁵ In 1673 a pamphlet published in Holland condemns the machinations of the secret cabal in London.⁷⁶ About the same time Sir William Coventry wrote against "their Engrossing all business of concernment, and concealing the most Important debates and resolutions from his Majesties Privy Council. Nay their keeping it unseasonably from his great Council";⁷⁷ while an unknown writer held it up to ridicule and opprobrium in doggerel verse.⁷⁸ In 1673 when Sir Joseph Williamson was abroad as ambassador, he received from his clerk regular reports about the cabinet.⁷⁹ In 1681 the king resolved upon the dissolution of Parliament in a cabinet council held at Merton College.⁸⁰ Later the Earl of Moray, referring to two letters about Scottish affairs, says that "Both wear rede in the Cabinit Councill whaer we wear present, and the cace fully debaeted".⁸¹ In the reign of James II. the Duke of Beaufort gives a detailed description of a meeting;⁸² while in the last frantic days before the king abandoned England, Pepys attended a number of cabinet meetings in London.⁸³

Evidently, therefore, the view that little can be found about the cabinet before the time of William or, indeed, of Anne, is altogether incorrect, since a great number of allusions occur in contemporary writings from 1660 on. But it is not the less true that most of this information is allusive only, and does little more than mention the

⁷⁴ Le Fleming MSS., *Hist. MSS. Comm. Reports*, 12, VII. 66.

⁷⁵ "E pura addresso al Consiglio di Stato, anzi alla confidenza del Gabinetto". Relazione de P. Mocenigo, 1671. Add. MS. 10171, f. 11.

⁷⁶ *Een Klaer Verdoogh der Raets-plegingen van het Hof van Engelandt, Gedrukt door publike Authoriteyt in den jare 1668. Waer in hare Resolutien, om Spangien en de Spaense Nederlanden te ondersteuten tegen de opswellende grootheyt der Franse Monarchie klaerlijck worden ontdeckt, en met seer gewichtige Redenen bekrachtight, by maniere van een onderling Dispuyt . . . Waer uyt gesien kan worden, hoe dat de gedaente van dat Hof, sedert dien tijdt, nu in desen Oorloogh verandert is, door het stercke vermogen van de Secrete Cabale aldaer, etc.* (Amsterdam, 1673).

⁷⁷ *Englands Appeal from the Private Cabal at White-Hall to the Great Council of the Nation, etc.* (1673).

⁷⁸ "The Christmass Gamball or a Dream of the Grand Cabball", St. P. Dom., Charles II., CCCXIX; no. 159; also "The Dreame of the Caball", *ibid.*, CCCXXVII., September, 1673.

⁷⁹ *Ibid.*, CCCXXXVI., part I., June, 1673.

⁸⁰ *Memoirs of Thomas, Earl of Ailesbury* (Roxburghe Club, 1890), I. 56.

⁸¹ Buccleuch MSS., Drumlanrig, *Hist. MSS. Comm. Reports*, II. 30.

⁸² Beaufort MSS., *Hist. MSS. Comm. Reports*, 12, IX. 91.

⁸³ Dartmouth MSS., *Hist. MSS. Comm. Reports*, 11, V. 147, 159, 178, 179, 188, 189, 191, 193, 196, 214, 216, 218.

cabinet by name. If, then, the student is to give even a partial account for this time his task is not merely to interpret the information which he discovers, but he must see whether the cabinet council is identical with bodies called by other names, and if this is so, use the added information which he thus obtains.

The name itself reveals nothing. Cabinet, in one of its senses, means originally a room in the king's palace, and comes to mean a meeting held there, and the body which holds the meeting. "The king was in his cabinet when the letter was delivered to him", says Clarendon in 1667.⁸⁴ About the same time Giovanni Sebenico humbly asks appointment as "Master of the Italian Musick. . . as well for your Majestyes Chamber or Cabinett as of her Majestys Chappell and Cabinett".⁸⁵ Pepys uses the word in both senses;⁸⁶ and by the end of the century lexicographers were so defining it.⁸⁷ Nor do the theories of contemporaries avail much. They occur very rarely, and go little beyond what is obvious. Nathaniel Bacon and Roger North both gravely assert that the cabinet was derived from the Privy Council.⁸⁸ In 1691, it is said, a speaker in the House of Commons declared that it was merely a contraction or abridgment of the Privy Council.⁸⁹ It is the recent discovery of manuscripts then carefully guarded that enables investigation to be made with greater hope of success.⁹⁰

⁸⁴ *The Life of Edward Earl of Clarendon . . . in which is included a Continuation of his History of the Grand Rebellion* (Oxford, 1857), II. 479.

⁸⁵ St. P. Dom., Charles II., CCXXXIX., April 22, 1668.

⁸⁶ A letter was delivered "to Sir W. Coventry, in the cabinet, the King and councill being sitting". *Diary*, November 18, 1666. "To my Lord Chancellor's, where the King and Cabinet met." *Ibid.*, January 20, 1666/7.

⁸⁷ "CABINET. s. m. Le lieu le plus retiré dans le plus bel appartement des Palais, des grandes maisons. Un appartement royale consiste en sale, anti-chambre, chambre et cabinet avec une galerie a costé." Antoine Furetiere, *Dictionnaire Universel* (Hague and Rotterdam, 1690). "Cabinet, veute dire aussi, Les Secrets, les mystères les plus cachez de la Cour." *Le Dictionnaire de l'Académie Française* (Paris, 1694).

⁸⁸ *An Historical and Political Discourse of the Laws and Government of England*, etc. (ed. 1739), p. 201; *Lives of the Norths* (ed. Jessopp, London, 1890), I. 299.

⁸⁹ News-letter in Denbigh MSS., *Hist. MSS. Comm. Reports*, VII. 206.

⁹⁰ It is the failure to make use of such primary sources as the state papers and the minutes of the foreign committee which makes inadequate the earlier part of the study of Sir William R. Anson, "The Cabinet in the Seventeenth and Eighteenth Centuries", *English Historical Review*, XXIX. 56-78 (January, 1914), and the introductory part of the study of Professor Wolfgang Michael, "Die Entstehung der Kabinettsregierung in England", *Zeitschrift für Politik*, VI. 549-593 (1913). I should, however, be lacking in appreciation and also in judgment if I did not confess the indebtedness which I have in common with all students of the history of the cabinet to Sir William Anson's article. Not only does it contain an admirable contribution to a subject of which modern investigation may

When Charles II., returning to England in 1660, re-established his Privy Council, the nucleus was "that council which had always attended him, and whose advice he had always received in his transactions of greatest importance",⁹¹ consisting of Clarendon, Ormonde, Culpepper, and Nicholas.⁹² These men, with a few others who had aided in the Restoration, now became the trusted members of the new Privy Council. At the very beginning an informal committee of foreign affairs was formed.⁹³ "The treasurer, marquis of Ormond, the general, with the two secretaries of state, were of that secret committee with the chancellor; which, under the notion of foreign affairs, were appointed by the king to consult all his affairs before they came to a public debate."⁹⁴

This body is interesting not merely because of the character which Clarendon ascribes to it, but also because it was not really a committee of the council, but an extra-conciliar group of those servants to whom the king desired to entrust his business, its connection with the larger body being that those who composed it were also members of the council. There is no mention of it in the records of the Privy Council, nor does it appear in lists of council committees which were drawn up during these years.⁹⁵ Ostensibly foreign affairs were at this time given over to the care of special committees of the council, as the committee appointed to treat with the ambassador of Denmark, or with the agent of Russia.⁹⁶ The procedure of the "Foreign Committee" is known to some extent from minutes made by Secretary Nicholas, who attended the meetings.⁹⁷ The members were Hyde, lord chancellor, Southampton,

almost be said to have been begun by him some ten years ago, but it is fraught with a reality and a suggestiveness which are not so apparent in other writings of this kind, and which I am certain I have not been able to put into my own. That this excellence results not alone from bare research in dusty papers and forgotten records, but from very wide knowledge of the English constitution as it has been and as it is, and from familiarity with the actual working of the government, need not be said in the case of a writer who has made this province so peculiarly his own.

⁹¹ Clarendon, *Life and Continuation*, I. 269.

⁹² *Ibid.*; *Lords Journals*, XII. 155.

⁹³ "As soon as it pleased God to bring His Majesty into England, He established His Privy Council; and shortly, out of them, a Number of Honourable Persons of great Reputation, who for the most Part are still alive, as a Committee for Foreign Affairs, and Consideration of such Things as in the Nature of them required much Secrecy". *Lords Journals*, XII. 155.

⁹⁴ Clarendon, *Life and Continuation*, I. 315; Lister, *Life and Administration of Edward, First Earl of Clarendon* (London, 1838), II. 6.

⁹⁵ St. P. Dom., Charles II., VII., ff. 71, 72; CIV., ff. 139-148; CCLXXVI., ff. 374-383.

⁹⁶ Privy Council Register, LIV., September 7, 1660; LV., March 22, 1660/1.

⁹⁷ In St. P. Dom., Charles II., XXIII., ff. 167-187, and possibly in *ibid.*, XLIV., ff. 214-232. Probably most of these notes refer to the Privy Council. They are difficult to read and their character is not always clear.

lord treasurer, Albemarle, the lord general, Ormonde, and the two secretaries of state, Nicholas and Morice;⁹⁸ though apparently others attended or were added as time went on.⁹⁹ They were to meet in the lord chancellor's chamber on Mondays and Thursdays in the morning.¹⁰⁰

The business dealt with was the important business of the king. Foreign affairs were considered, but the members were engaged also with such things as the king's revenue and expenditure, the excise, the calling of Parliament, the disbanding of the army, the management of army and fleet, and with local organization. In many cases the work of the members was preliminary consideration; but in other cases, apparently, it was decision as well.

In 1661 the king came one day to Clarendon's house and told him that the Portuguese ambassador had proposed a marriage between himself and the Infanta, Catharine, with an alliance between the two countries. The chancellor advised secrecy for the present.¹⁰¹ Then, "The king appointed that the lord treasurer, the marquis of Ormond, the lord chamberlain, and secretary Nicholas, should be together at the chancellor's house, where his majesty would likewise be and propose the business to them."¹⁰² This was done, and the king appointed "all those lords with the same secrecy to enter into a treaty with the ambassador".¹⁰³ The negotiations for a treaty were not long concealed, but the project of marriage remained a profound secret.¹⁰⁴ For some time Portuguese business continued to be considered at meetings of the foreign committee.¹⁰⁵ Meanwhile after various negotiations, "the king thought not fit to make any further exceptions, but resolved to assemble his whole privy council, and to communicate the matter to them; for it did remain a secret yet, no man knowing or speaking of it."¹⁰⁶ Of all this the record of the Privy Council has nothing, until following a debate of the matter, the king ordered an act of council drawn up recording "the unanimous consent of the Councill".¹⁰⁷ In 1662 and 1663 Charles had interviews with Clarendon and a few of his most intimate offi-

⁹⁸ Clarendon, *Life and Continuation*, I. 370.

⁹⁹ St. P. Dom., Charles II., XXIII., f. 168.

¹⁰⁰ *Ibid.*

¹⁰¹ Clarendon, *Life and Continuation*, I. 416-419.

¹⁰² *Ibid.*, p. 420.

¹⁰³ *Ibid.*, p. 421.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Notes which passed at Meetings of the Privy Council between Charles II. and the Earl of Clarendon, 1660-1667, etc.* (ed. W. D. Macray, Roxburghe Club, 1896), p. 60.

¹⁰⁶ Clarendon, *Life and Continuation*, I. 446.

¹⁰⁷ Privy Council Register, LV., May 10, 1661.

cials about the selling of Dunkirk. He "thought it so counsellable a thing, that he resolved to have it debated before that committee which he trusted in his most secret affairs".¹⁰⁸ The meetings were held at the lord chancellor's house, those present being the king, the Duke of York, Clarendon, the lord treasurer, the lord general, and the two secretaries, and also the Earl of Sandwich and Sir George Carteret, two naval authorities, who were called in for consultation.¹⁰⁹ The king at these meetings was inclined to sell Dunkirk to the French, "but deferred any positive resolution till he had imparted the whole matter to the council-board".¹¹⁰

This considering, which in many cases amounted to deciding, of important matters before they came to the knowledge of the council, seems to be almost a characteristic procedure. "Do you not thinke the businesse of Tanger and the Dutch treaty fitt to be first debated at the Committee for forrainge affayres: and if so, you may appointe, them, to meete on Fryday in the afternoone, wher you please?" asks Clarendon in a note which he hands to the king in council.¹¹¹ In the registers for these years there is recorded a great deal of routine and detail, and comparatively little of the great things of the realm. Though Clarendon afterwards explained in his apology how all treaties were debated at the council board,¹¹² and though in his address to Parliament he declared that all important things were there considered,¹¹³ and even though it is certain that the registers do not record everything, it is hard to believe that the importance of the Privy Council had not already passed into the possession of this informal, secret "committee", made up of the king's intimate advisers.

There is good reason to believe that it is to this body that contemporaries refer as the cabinet or cabal. The identification cannot be made with absolute certainty, but it becomes very probable from allusions which at one time or by one writer are to the committee and on another occasion or by another are to the cabinet or cabal; while lists of those present furnish some clue, though changing personnel makes this very difficult. In 1663 Pepys says that Albemarle stands well, "though none of the Cabinet".¹¹⁴ Next year, "the King being in his Cabinet Council" at Whitehall, Pepys was

¹⁰⁸ Clarendon, *Life and Continuation*, II. 11.

¹⁰⁹ *Ibid.*, pp. 11, 12. See E. I. Carlyle, *English Historical Review*, XXVII. 258, 259 (1912).

¹¹⁰ Clarendon, *Life and Continuation*, II. 15.

¹¹¹ *Notes passed at Privy Council*, p. 72.

¹¹² Clarendon, *Life and Continuation*, II. 568, 569, 570, 571, 579.

¹¹³ *Lords Journals*, XII. 135 (1667).

¹¹⁴ *Diary*, May 15, 1663.

called in, and found there the lord chancellor, the Archbishop of Canterbury, the lord treasurer, the two secretaries, and Sir George Carteret.¹¹⁵ In 1665 Downing's plan to appropriate the supply and alter the power of the lord treasurer was considered in a meeting at the residence of the lord chancellor, at which beside the king and himself were present the Duke of York, the lord treasurer, Lord Ashley, Lord Arlington, and Sir William Coventry, with the addition of Downing, the attorney-general, and the solicitor-general.¹¹⁶ Sir William Coventry had just been admitted at the request of the Duke of York to "that committee with which his majesty used to consult his most secret affairs".¹¹⁷ In 1666 Pepys was called in to meet the king in the "Cabinet", where were sitting the Duke of York, the lord chancellor, the lord treasurer, and the two secretaries, Coventry and Carteret.¹¹⁸ But in the following year a friend told him "the Archbishop of Canterbury is called no more to the Cabal, nor, by the way, Sir W. Coventry"; the cabal being then the king, Buckingham, the lord keeper, Albemarle, and the lord privy seal.¹¹⁹

In 1667 Williamson notes in his journal: "All foreigne affaires are putt into the hands of My Lord Keeper, Lord Generall, Lord Privy Seale, and the two Sec'ryes of State, as a Committee of the Councell Board."¹²⁰ But again the word "committee" is used loosely to denote an informal, secret body of the king's favorites, there being no mention of it in the register of the Privy Council.¹²¹

The formal establishment in 1668 of a committee of foreign affairs, as part of the Privy Council, made small difference.¹²² At the beginning of the minutes of this body there is a paper of notes endorsed "Questions for the private Committee".¹²³ By the general orders given when this committee was constituted, the meetings were to be held in the secretary's office in Whitehall. Pepys continues to describe meetings of the "cabinet" or "cabal" which he attended in that place.¹²⁴ There is little doubt now that generally when contemporaries speak of the cabinet, they are referring to the committee of foreign affairs, or at least to the members of that committee. They seem to use the two expressions interchangeably or at

¹¹⁵ *Ibid.*, November 9, 1664.

¹¹⁶ Clarendon, *Life and Continuation*, II. 224, 225.

¹¹⁷ *Ibid.*, II. 190.

¹¹⁸ *Diary*, August 26, 1666.

¹¹⁹ *Ibid.*, December 21, 1667.

¹²⁰ St. P. Dom., Charles II., CCXXXI., October 19, 1667.

¹²¹ Privy Council Register, LX.

¹²² *Ibid.*, February 12, 1667/8.

¹²³ St. P. For., Entry Books, Misc., CLXXVI., March 13, 1667/8.

¹²⁴ *Diary*, January 26, 1668/9, April 4, 1669.

random.¹²⁵ "I am asured you are Clark of the Common Counsell as well as Cabinet which I hartlie reioys at", writes Sir Robert Carr to Williamson, who had for a long while been secretary to Arlington, in whose office the meetings of the foreign committee were held.¹²⁶ In 1673 Sir William Coventry, attacking the cabal, says: "They reformed their *Cabinet Counsel*; and turned at once out of the *Committee for Forein Affairs*, *Price Rupert*, the Duke of *Ormond*, the *Lord Keeper*, and the late *Secretary Trevor*."¹²⁷ At the beginning of 1674 occurred this debate in the Commons:

- Mr. Secry. Coventry: Lord *St. John* said, "one of the CABAL told him, etc."—Would know what the meaning of the CABAL is.
- Mr. Garroway: That is so great a mystery, that he would know it above all things.
- Mr. Secry. Coventry: We do things, not voluntarily, but by Law; the King's Privy Counsellors! and it is perjury for us to reveal—As for the Committee of foreign affairs (of which he is the only man of this House) wishes (he protests to God) that you knew what opinion he has ever given of affairs.¹²⁸

When Williamson gives an account of the movements of the Dutch ambassador, he speaks of him sometimes as coming to the foreign committee, and sometimes as present at the cabinet council.¹²⁹ In 1678, in the Commons, a member spoke bitterly of the rejection by the king of the militia bill: "Gentlemen put it particularly upon the Advice of particular men, and not the Privy Council; that they have swayed the King against the Advice of Parliament. I know no such Council, nor Law of *England*. I know none as a Council for foreign Affairs. It is not known in Law." And another, taking up the discourse some moments after, said: "A Cabinet Council, that takes things out of the hands of the Privy Council, is the complaint."¹³⁰ In the next year a writer says that Charles promised

¹²⁵ "Yesterday was a meeting of the Foreigne Committee in the Trea'ry where tis sd. all things undr. consideration relateing to Ireland were determined, upon which tis sd. the Ld. Lt. will begin his journey this day sevensnight." St. P. Dom., Charles II., CCLXXVI., August 16, 1669. "Yesterday at a Cabinet Council the Establishmts. of Ireland both Civill and Military were compleated and signed, soe that now the last worke being done, the Ld. Lieutent. will depart very suddenly". *Ibid.*, August 30, 1669.

¹²⁶ *Ibid.*, CCXCIV., December 4, 1671. See Privy Council Register, LXIII., January 24, 1671/2.

¹²⁷ *Englands Appeal from the Private Cabal at White-Hall*, p. 46.

¹²⁸ Grey, *Debates*, II. 258.

¹²⁹ St. P. Miscellaneous, CCXV., January 21, 1677/8, April 8, 1678.

¹³⁰ Grey, *Debates*, VI. 313.

that he would have "no Committee of Foreign affairs, or Cabinet Council".¹³¹

In 1679, when the committee of foreign affairs was brought to an end, the committee of intelligence, which took its place, was composed of Prince Rupert, the lord chancellor, the lord president, the lord chamberlain, Monmouth, Sunderland, Essex, Halifax, Lord Roberts, Sir William Temple, and Secretary Conventry.¹³² This is much like a list of members present at a meeting of the foreign committee a year before,¹³³ the changes being due, probably, to the political necessities which made Charles dissolve the council. Some of the members Charles dismissed as soon as he could,¹³⁴ but those who remained continued to meet in the committee of intelligence, and were, it would seem, by contemporaries again called the committee of foreign affairs.

After 1679, I think, the cabinet can no longer be identified with any committee of the Privy Council, though it is not impossible that the committee of intelligence was sometimes given this name. But the political crisis through which Charles had just passed, and the disappearance of the old, powerful foreign committee made him less willing to trust any part of the council newly created. Even the committee of intelligence was at first made up partly of his enemies, and though they were soon driven out, the king found it expedient now to transact affairs of secrecy and importance in a secret, informal gathering of his intimate friends; who, while they were privy councillors, and might even be members of the committee, were in their cabinet meetings not a committee, whether formal or informal, of the council. That this was so, is borne out by the absence of allusions in which contemporaries identify the cabinet with any committee, and also by the testimony of Roger North, well informed about these years, who tells how his brother attended many meetings of the council committees but never the foreign committee, and then says explicitly that he went to meetings of the cabinet council.¹³⁵ And the coming of Francis North into the cabinet in 1679 is well known from his own writings.¹³⁶ This differentiation of the cabinet from the foreign committee gives greater significance to the assertion that "the cabinet council . . . at first was but in the nature of a private conversation".¹³⁷

¹³¹ Algernon Sidney to Henry Savile. Sidney, *Letters* (London, 1742), p. 32.

¹³² Add. MS. 15643, f. 1.

¹³³ St. P. For., Entry Books, Misc., CLXXX., May 21, 1678.

¹³⁴ See Portland MSS., *Hist. MSS. Comm. Reports*, 14, II. 365.

¹³⁵ North, *Lives of the Norths*, I. 321, 328.

¹³⁶ Add. MS. 32520, f. 251.

¹³⁷ North, *Lives of the Norths*, I. 299.

At this time there are numerous allusions to the king meeting apart with a small body of advisers.¹³⁸ In 1684 the cabinet was composed of the lord president, the lord privy seal, Rochester, Ormonde, Godolphin, and the two secretaries.¹³⁹ In 1687 a cabinet at which were present the king, the lord chancellor, the lord president, Middleton, Dartmouth, and Godolphin, outlined a scheme for the control of local officials in connection with the king's religious policy.¹⁴⁰ It was in the cabinet council that Charles decided what policy to adopt toward his last Parliament, that James concerted measures against the invasion of Monmouth and debated how to repel the invasion of William of Orange.

At the end of the period it was not only courtiers and pamphleteers who spoke of the cabinet, but members of Parliament and the people generally. In 1689 a report presented in the House of Lords contains an account of a cabinet meeting, the first mention of this kind in the parliamentary records except for protests against unlawful counsels of the cabinet, as in 1642.¹⁴¹ It was defined now as a "select Number of Lords".¹⁴² In 1689, also, and three years later, the subject of the cabinet was debated at length in the House of Commons.¹⁴³ Some averred that lawfully there could be no such body. "I know not how to take notice of the Cabinet-Council, nor what it means; I know not whether it be a lawful Council; I know not whether it be a crime to be a Cabinet-Counsellor", said one speaker.¹⁴⁴ "'Cabinet-Council' is not a word to be found in our Law-books", said another.¹⁴⁵ Some refused to recognize it;¹⁴⁶ but one there was who defended it: "All Governments reduce their Council to a few: *Holland* does; and the *French King* to three."¹⁴⁷ But the opinion prevailed that a cabinet was unlawful and responsible for many ills. "The method is this; things are concerted in the Cabinet, and then brought to the Council; such a thing resolved

¹³⁸ St. P. Dom., Entry Books, LXIV., January 29, 1683/4, April 5, 1684.

¹³⁹ "The posture of the Cabinett", Add. MS. 32520, f. 253.

¹⁴⁰ Beaufort MSS., *Hist. MSS. Comm. Reports*, 12, IX. 91.

¹⁴¹ "This Examinant saith, That, the Day after the Lord Russell died, he was commanded to appear at the Cabinet Council; which he did; and there the King, the Duke of Yorke, the Lord Keeper North, the Duke of Ormond, the Lord Halifax, the Lord Rochester, and Sir Leonile [Leoline] Jenkins, were present." *Lords Journals*, XIV, 378.

¹⁴² *Ibid.*

¹⁴³ These debates have been noticed by Michael, *Zeitschrift für Politik*, VI. 559, 560.

¹⁴⁴ Grey, *Debates*, IX. 307.

¹⁴⁵ *Ibid.*, X. 276.

¹⁴⁶ "I know no Great Council of the Nation, but here and the Privy-Council, without a private Cabal." *Ibid.*, pp. 265.

¹⁴⁷ *Ibid.*, pp. 277.

in the Cabinet, and brought and put upon them, for their Assent, without showing any of the Reasons. That has not been the method of England."¹⁴⁸ And yet, it had been for thirty years and more.

The cabinet council during this period may thus be seen, vaguely for the most part, but sometimes with considerable clearness. There is as yet no prime minister, no cabinet solidarity, nor necessarily unanimity of opinion. The members are not chosen from one party, there is no dependence upon party, and not a great deal upon Parliament. The members are not all summoned or dismissed together. There is no succession of ministries. Always the cabinet is made up of the intimate advisers of the king, they being also privy councillors. The members are entirely the advisers and servants of the king, to whom alone they are responsible, and from whom alone they receive their membership. During all this time the composition of the cabinet depends upon the desire of the king, members being called or dismissed as he pleases.¹⁴⁹ It seems to have met with considerable regularity, but was frequently summoned for special meeting as the king thought well. The attendance was apparently good. There is in all this period scarcely an instance when the king was not present.¹⁵⁰ The place of meeting is very frequently in the office of the secretary of state, but often it is in the house of some great official, or a room in the palace of the king. The business embraces all the important aspects of administration and policy. To a considerable extent cabinet councillors are occupied with foreign affairs, but they deal as occasion requires with any important matter affecting war and peace, religion, local government, the maintenance of order, Ireland, the colonies, and the fleet. They did most of the preliminary work that was important, and more and more they did the decisive work in the governing of England.

Such was counciliar development in England in the second half of the seventeenth century. Executive power was exercised by the king and his councillors. Formally his council was the Privy Council, and the constitutional writers of the period took cognizance of no other.¹⁵¹ Actually, however, the Privy Council had lost much

¹⁴⁸ *Ibid.*, pp. 279.

¹⁴⁹ See Pepys, *Diary*, November 16, 1667; St. P. Dom., Charles II., CCCXXXVI., part I, June 20, 1673; Ormonde MSS. (new series), *Hist. MSS. Comm. Reports*, IV. 411.

¹⁵⁰ See Manuscripts in Various Collections, *Hist. MSS. Comm. Reports*, II. 220. I know of no instance in the case of the "cabinet", and at the meetings of the foreign committee the king, according to Clarendon, was always present. *Lords Journals*, XII. 155. But in the case of the committee of foreign affairs, see St. P. Dom., Charles II., CCCLXVI., January 16, 1675/6.

¹⁵¹ This is true also of most of the constitutional writings of the first half of the eighteenth century.

of its power and substance in the earlier Stuart period, and after the Restoration its work was done by committees of itself, while that which the whole council did was largely impressive form and routine. During the period 1660–1688 the formal approbation of the council was deemed necessary for what was to be done, but the early consideration, the planning, and the actual deciding, were from the beginning done elsewhere by a small group of those officials and favorites whom the king trusted most, who sat in the larger body as privy councillors,¹⁵² but who apart with the king were really superseding the council. Sitting thus they were the junto, cabinet, or cabal. In the years 1660–1667 they were a secret, extra-legal council, though they were also considered an informal committee of the council. From 1668 to 1679 they were actually a standing committee of the Privy Council.¹⁵³ After 1679 there was a change in this far, that the cabinet while not differing to any extent in composition or activity from what it had been before, was now seen to be an informal gathering of the king's friends rather than a council committee. Evidently, then, there is much truth in the conjecture of former writers that the cabinet began as a committee or part of the Privy Council. If, however, this theory were entirely true, then it might be possible to show the development out of the Privy Council of a standing committee which gradually absorbed its functions and power to an ever greater extent. As a matter of fact, this is entirely true only for the years 1668–1679, after which the development is not so much toward a stronger committee of foreign affairs, or part of the Privy Council, but in the taking over of the power of the council by the essence of itself or committee of the whole council.¹⁵⁴ Meanwhile, however, the cabinet had continued, an informal gathering of the king's confidential advisers, with ever increasing power.

I may be reproached that my account is intricate and obscure, but constantly I have been confronted with the danger of making too clear and sharp that which really is indefinite and complex. There was at this time little attempt at political theorizing, and almost no effort at constitutional statement, on the part of statesmen and politicians. Those who wrought took their instruments of government, and, finding them ill-adapted, changed them to meet their needs.

¹⁵² For example, in 1672, the Duke of York, Arlington, Ashley, Buckingham, Clifford, Lauderdale, and Ormonde, attended the meetings of the Privy Council very regularly. There is no meeting of this year at which some of them were not present.

¹⁵³ "This day a Cabinet and close Committee of the Council sat". Lord Chancellor Boyle to Ormonde. Ormonde MSS. (new series), *Hist. MSS. Comm. Reports*, IV. 208.

¹⁵⁴ I hope to deal with this question at length in another place.

They made no general schemes and few definite plans; they merely worked; and they did this haltingly, with many a blunder, perhaps unforeseeing of results, so that now when the past with its shadow half hides them, what came of their work is clearer than it could be then. Long before, local organization and Parliament and Privy Council had developed in similar way to wondrous perfection; but nowhere, I think, can be seen to better advantage than in the growth of the cabinet, that constructive spirit, so peculiarly English, which reveals itself in the working of constitutions and the art of governing well.

EDWARD RAYMOND TURNER.

GENERAL WILKINSON AND HIS LATER INTRIGUES WITH THE SPANIARDS¹

THE withdrawal of the Spanish garrison from Natchez in 1798 and the double territorial transfer at New Orleans in 1803 mark two conspicuous stages in the American advance to the Gulf of Mexico. As commander of our unpretentious army General James Wilkinson took an important part in both events. During the intervening years his routine dealings with the Spaniards apparently convinced both them and his superiors that he wished no friendship with them beyond the pale of national honor. Many of his contemporaries in New Orleans interpreted his attitude towards the French and his prominence in the formal transfer as a pledge of continued loyalty to the American government. The Spaniards had first surmised this loyalty six years before when he rejected their proffer to assist him in becoming "the Washington of the West".² Shortly after, they yielded the Natchez district to his troops and ceased attempts to pay the pension previously assigned him.

Yet in the midst of the turmoil and uncertainty that for a few months marked the American occupation of Louisiana vague rumor asserted that the general was renewing a dangerous intimacy with his former Spanish friends, and a sudden acquisition of newly-coined Mexican dollars apparently confirmed the charge.³ During the succeeding decade this report caused Wilkinson considerable annoyance, although his most persistent accuser, Daniel Clark, failed to present legal evidence to substantiate it.⁴ But the crafty Spaniards, who kept documents whenever they spent dollars, have preserved this evidence for us in the vast Archives of the Indies at Seville.⁵ Thus we may present additional testimony to the *Proofs*

¹ A paper read at the meeting of the American Historical Association, December 30, 1913.

² Manuel Gayoso de Lemos to the Prince of the Peace, June 5, 1798. Archivo General de Indias, Seville: Papeles de Cuba, legajo 178, no. 20.

³ Testimony of John McDonough in Clark, *Proofs of the Corruption of General James Wilkinson*, p. 27, and app. no. 24, p. 51.

⁴ *Ibid.*, pp. 81 and 82.

⁵ The writer wishes to acknowledge the assistance, in unearthing this evidence, of Mr. Roscoe R. Hill, whose researches in the Cuban Papers, under the direction of the Department of Historical Research of the Carnegie Institution of Washington, have greatly facilitated his own work. He is likewise under

of the *Corruption of General James Wilkinson*, which the author of that famous diatribe was unable to secure.

In February, 1804, Don Vizente Folch, governor of West Florida, chanced to be in New Orleans and while there renewed with the general those reprehensible relations that he elsewhere calls "ancient History".⁶ As in his previous intrigues, Wilkinson took the initiative, after exacting from the other a pledge of secrecy. Thus fortified he began their first interview by making "various reflections" upon the course that Spain should pursue to prevent the United States from profiting at its expense by the cession of Louisiana. The conspicuous part that he had taken in this act apparently did not deter him from offering to aid its former owner. Folch may have thought that he was simply trying to play the double mercenary game that always characterized him, yet he seems to have found something valuable in his "Reflections". Upon the governor's suggestion, therefore, the other promised to write them out in detail. Folch was then to translate the work and send it to his immediate superior, Captain-General Someruelos of Cuba.

At the conclusion of the interview Wilkinson brought up a matter which he confessed was of considerable embarrassment to him. It shortly appeared that the embarrassment was of the chronic, financial kind that he frequently experienced, which in itself will explain his continual double-dealing. He stated, so Folch tells us, that some fifteen years before he had been promised an annual pension of two thousand dollars, but that for the past ten years he had received nothing. He was about to go north to Washington and suggested that Folch should pay him the sum due on his pension. His constant travelling expenses and other needs would make this very acceptable. In return he promised to furnish the text of his "Reflections", and in addition to ascertain the plans and purposes of Jefferson and the cabinet ministers and report thoroughly thereon. He would be able to do this for he knew "what was concealed in the heart of the President"—an insight of which few of his contemporaries dared boast. But Wilkinson was trying to impress the Spanish governor.

Folch did not have enough money on hand to meet the ordinary obligation to Sr. D. Pedro Torres Lanzas and Sr. D. José Gonzalez Verger, director and vice-director of the Archives of the Indies, and Sr. D. Ignacio Olavide, sub-director of the Archivo Historico Nacional, Madrid, for many courtesies.

⁶ The main source for this intrigue is the *reservado* no. 3 of Folch to Someruelos, dated April 10, 1804. This is in *Papeles de Cuba*, legajo 1574. Other references occur in Folch's *muy reservado* no. 130, January 26, 1809, in legajo 1566. Cf. notes 11 and 36. Mr. C. E. Chapman courteously supervised the copying of these documents.

expenses of his government, to say nothing of a demand like the present, even if it should be reduced by one-half, as Wilkinson speedily suggested. Nor could he refer the matter to the intendant, Morales, with whom neither he nor Wilkinson was on good terms. He suggested, therefore, that they should apply to the Marqués de Casa Calvo, who, as boundary commissioner, was then in New Orleans to settle the limits of Louisiana with the Americans. The marqués had recently received one hundred thousand dollars from Mexico, and from this he might readily and covertly furnish Wilkinson with a portion of his original demand.

The other demurred at this.

I am afraid [he said], and you ought to guess why. You know better than I that the marqués is entirely under the direction of his secretary; that the latter is not capable of keeping a secret, and he would hardly learn of my plan before communicating it unreservedly and in complete detail to his friend and comrade, the intendant. At present the latter is on very intimate terms with Mr. Daniel Clark, and they are likewise associated in land speculations. I also ought to tell you that Clark corresponds with Jefferson, who has asked the former to give him his views regarding the kind of government to be established in Louisiana. I am a lost man, if the secretary should learn of what I propose.

Folch tried to calm his fears by offering to speak to Casa Calvo in person. "I see that you do not know the marqués very well", replied the anxious general. "It seems to me that both he and his secretary look upon you as a very serious rival, and as we have no other recourse, I prefer to open up the subject myself with the marqués, and will do so next Sunday, using Mr. Gilbert Leonard⁷ as interpreter."

On the following Sunday evening, therefore, Wilkinson reported to Folch that he had broached the subject to the marqués. The latter told him that he could not keep the affair from his secretary, but that he would vouch for the latter's silence; nor could he give the whole twenty thousand dollars, but would pay such part as his limited resources permitted. Casa Calvo insisted that his secretary rather than Folch should translate the text of Wilkinson's "Reflections", but Wilkinson was obdurate upon this point. For the next twenty days, therefore, Wilkinson busied himself in preparing his copy which Folch translated quire by quire. At the same time he wrote to the Secretary of War that he was "collecting topographical information in all directions and at some expense which I am persuaded you will find highly interesting".⁸ So he was, but as usual he did not tell the whole story.

⁷ Leonard had served as *contador* under the Spanish régime in Louisiana. For his previous intimate relations with Wilkinson, cf. Wilkinson, *Memoirs of my own Times*, vol. II., app. XXIII.

⁸ Wilkinson to Dearborn, March 30, 1804. War Department, Letters Received.

When the double work of composing and translating the "Reflections" was done, Wilkinson carried a copy to the marqués. Later on the same day he urgently summoned Folch to an interview, in the course of which he explained that the marqués refused to allow any one but himself to appear in the correspondence, which he proposed to transmit directly to Spain. "For God's sake", the frightened Wilkinson begged, "help me out of the pool in which I am floundering." The terrified general was indeed in a predicament, for the jealousy of either Folch or Casa Calvo might lead to his undoing. Yet after Folch learned that Wilkinson preferred to omit everybody's name rather than his own, and that he had told Casa Calvo so, he agreed to patch up the affair so as to serve their individual purposes. The governor consented to the omission of his name from the copy that Wilkinson gave Casa Calvo. At the same time he was to inform the captain-general of the whole affair and ask him whether he or the marqués should continue the intrigue.

Wilkinson accompanied the memorial with an explanatory letter⁹ that seemed especially to arouse Casa Calvo's opposition. In this he stated that his course was inspired by his extreme interest in the prosperity of both countries. It is doubtful if such pretexts ever deceived the Spaniards who hoped to profit by his treachery. He certainly lacked a sense of humor or credited the Spaniard with lacking it, when he averred that while bound to the United States by the tie of birth, he was likewise united to the interests of Spain "by the most solemn obligations of gratitude". The cultured official whom he thus assured doubtless knew that such ought to be the case and also the exact financial outlay by which his country had gained this gratitude. He seems to have doubted its potency, however, when expressed through several channels, for he strenuously objected to the brief list of his fellow-officials whom Wilkinson thought it necessary to inform of his "humble though zealous agency". Even Wilkinson's old friend Gilbert Leonard might not act as intermediary, and at the same time, to avert suspicion, serve as vice-consul in New Orleans. As Casa Calvo "did not possess the English idiom", he must perforce use his secretary, Don Andrés Armesto, as interpreter. Wilkinson had previously told Folch that the secretary "could not keep a secret". Now he praised him to Casa Calvo for his "wisdom and probity".

Wilkinson thought that his previous persecutions on account of his partiality for the Spaniards and the danger to which he exposed life, fame, and position should relieve him from suspicion of sordid motives—"strangers to my bosom"—and recommend him to "His

⁹ A translation of this accompanies Folch's *reservado* no. 3, as "Number one".

Majesty's generosity". As indicating his view of this, he asked for the sum mentioned to Folch—twenty thousand dollars—and in addition an annual pension of four thousand dollars. He states that this is his present salary in the American service, but if so, he has in view not only his monthly stipend of \$225, but also his frequent allowances for excess rations and his padded expense accounts—both extremely vulnerable points of attack by his enemies.¹⁰

In his venality Wilkinson is not original enough to counteract the natural disgust excited by his greed. For example, in addition to his previous demands, he suggested that he might extend his own influence and secure adherents "to our interests and maxims", if he were given the privilege of exporting sixteen thousand barrels of flour annually to Havana. This suggestion recalls his monopoly in the golden days of the earlier "Spanish Conspiracy". He reiterated his hope that the balance due on his former pension might be promptly paid, for upon this depended the journey to Washington and his proposed plan of operations there. In closing he again begged the *marqués*, upon his loyalty, honor, and friendship, to avoid the use of his name but to use his now well-known designation—"Number Thirteen".

It may be well to characterize briefly the document¹¹ that seemed worth so great a price. Wilkinson began by referring to the growth of the population west of the Allegheny Mountains in the previous thirty years. A mere reference to this fact was at once sufficient to arouse the worst fears of the Spaniards. He then emphasized Louisiana as the outpost of Mexico and the danger both to Spain and the United States following its sale to the latter. He stated that the sole object of interest that his country had in the cession arose from the desire to obtain the navigation of the Mississippi, although the United States would have been obliged to oppose any attempt on the part of England or France to possess the country, had such arisen.

¹⁰ Steiner, *Life and Correspondence of James McHenry*, p. 550; *Annals*, 11 Cong., 2 sess., II. 2351.

¹¹ This will be referred to simply as Wilkinson's "Reflections". For a complete title cf. no. 4885 in Dr. James A. Robertson's *List of Documents in Spanish Archives relating to the History of the United States*. Dr. Robertson published this in *Louisiana under the Rule of Spain, France, and the United States 1785-1807*, II. 325-347, from a copy contained in the Mississippi State Department of Archives and History. This transcript, as Mr. Roscoe R. Hill informs me, is made from a triplicate one accompanying Folch's *reservado* no. 3. At present this does not accompany the letter and other documents in *legajo* 1574, but is in *legajo* 2355. As it is signed by Folch to attest its genuineness, Dr. Robertson naturally assigns its authorship to the Spanish governor and thus misses its real significance. But Folch's letter and other references clearly establish the general's authorship and afford additional evidence of his venality.

From the standpoint of Spain Wilkinson believed that that country should continue to control the Floridas and incidentally the Indians in the immediate vicinity. If Monroe should be successful in his projected mission¹² to gain those colonies, he trembled for the fatal consequences to both nations. If, however, Spain could secure the west bank of the Mississippi in exchange for the Floridas, all might be well. The population of the United States would not be tempted to scatter itself beyond the Mississippi, and thus Mexico and Peru would be safe from what he termed "an army of adventurers similar to the ancient Goths and Vandals".

Pending this exchange Wilkinson suggested that Spain should strongly fortify both the Texas and Florida frontiers. The Americans would hesitate to make any advance to the westward while the Spaniards held fortified posts in the rear. In this way they might force the United States to respect their territorial rights. In keeping with this policy they should arrest the exploring party under Captain Lewis and break up Boone's settlement on the Missouri, a dangerous outpost on the road to Santa Fé. At the same time Spain could well afford to be generous in this proposed exchange, even to the extent of offering to pay the current debt of the United States in addition to ceding the Floridas.

When one remembers that these suggestions were made by the commander-in-chief of the American army just after he had taken an important part in the very transfer under discussion, it is hard to find words correctly to characterize them. But the author is apparently as ready to betray Spain as the United States. While certain of his suggestions may seem due to an indirect desire to advance the interests of the latter country, it is probable that the chief motive is his own personal fortune. The only wonder is that after their previous experiences with Wilkinson, the Spaniards were again willing to trust him and to pay so handsomely for his obvious suggestions. After all these seem more despicable in purpose than dangerous in execution.

According to their agreement Wilkinson furnished Folch with a copy of his "Reflections" together with the accompanying letter. When the governor returned to Pensacola he promptly transmitted both to Someruelos, together with some comments of his own.¹³ He evidently had some faith in Wilkinson, but his own experience caused him to doubt that officer's accuracy. Folch insisted that Spain should not only recover the western bank of the Mississippi,

¹² This was Monroe's joint mission with Charles Pinckney, upon which he did not enter for some months.

¹³ These appear in an *informe* accompanying his *reservado* no. 3.

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as the rampart of Mexico, but should also retain the Floridas as a protection for Cuba. Possibly they might cede some territory immediately bordering the eastern bank, if absolutely necessary to meet the American demands, but he rejects as "political heresy" any suggestion to pay the entire debt of the United States in order to secure the coveted Louisiana, although willing to repay the sum actually expended for it.

While the governor from Pensacola was thus discussing the memorial and uttering his own criticisms upon it, Casa Calvo paid Wilkinson twelve thousand dollars in lieu of the twenty at first demanded. The general invested the major portion of this payment in a cargo of sugar, which he carried with him on his trip to the north. This purchase caused several ugly rumors to become current in New Orleans which Wilkinson then attempted to explain by stating that the money was due on a former tobacco contract with the Spanish government.¹⁴ Later, in 1807, when Daniel Clark showed that this was untenable, the death of the military agent in New Orleans rendered another explanation possible. Wilkinson then asserted that he had received the sum invested in sugar as extra pay for his services in connection with Indian treaties.¹⁵ But at the time even the youthful Claiborne had his suspicions aroused, and, through a friend, applied to Daniel Clark to prove or disprove the rumors. Clark saw the books of the intendant, who was his friend, and who would have naturally paid out any money for the Spanish government, but, of course, he found no record of the twelve thousand dollars.¹⁶ For the time being, therefore, the general was safe with his ill-gotten gain.

During the next three years Wilkinson kept the Spaniards thoroughly interested in his movements but one is unable to note any real service that he rendered them. Following his usual double-dealing course he presented to Jefferson a twenty-two page memorial, describing the country between the Mississippi and the Rio Grande, accompanied by a series of twenty-eight manuscript maps.¹⁷ It is likely that this information caused the President to modify the instructions already issued to our envoys at Madrid and to direct them to insist more strongly on our western boundary claims.¹⁸ We may

¹⁴ Cf. notes 3 and 4; also Someruelos to Folch, July 12, 1804, and Minute dated at San Ildefonso, September 27, 1804. These latter documents accompany *reservado* no. 3.

¹⁵ Affidavit of James M. Bradford, Clark, *Proofs*, p. 27, and app. no. 25.

¹⁶ *Ibid.*

¹⁷ Wilkinson to Dearborn, July 13, 1804, and enclosure. War Department, Letters Received. The memorial is at present in the files of the War Department, but the maps do not accompany it.

¹⁸ *Am. State Papers, For. Rel.*, II. 627 et seq.

believe that the general's purpose was not only to gain favor with the administration but also to exert an indirect pressure on the Spanish authorities. If the American government emphasized its claims to the western country, the Spaniards would value more highly the advice in his "Reflections" and pay more handsomely for his influence.

Folch and Casa Calvo mention two letters that Wilkinson wrote them while in Washington. They were unable to decipher the first or to profit by the current gossip reported in the other. In the second the general closed with a characteristic appeal for more money. Casa Calvo was inclined to accommodate him but now lacked funds and for the present the home authorities had forbidden further payments.¹⁹ In the same letter Wilkinson urged Casa Calvo to follow the advice of his memorial. "Otherwise", he firmly declared, "all will be lost". However, Wilkinson had the opportunity to make double use of his data on the western frontier, by furnishing Casa Yrujo, the Spanish minister, with information regarding that section.²⁰ At the same time he tried to add to its value by interrogating the President's guest, the Baron von Humboldt, who had just visited Mexico.²¹ It is difficult to see who was to profit by this course of duplicity, unless it were the arch-schemer himself.

Another proceeding of Wilkinson at this time promised still less advantage for the Spaniards. He renewed an intimate acquaintance with Aaron Burr and their joint secret studies were directed towards western and especially Mexican cartography. This gave him an opportunity to employ still further his western data. When the two baneful intimates journeyed westward in the summer of 1805, Wilkinson gave the ex-vice-president enthusiastic letters of introduction to Casa Calvo and counselled the other to follow Burr's advice. In this way he tells him they will soon be able "to send to the Devil that idiotic boaster, W. C. C. Claiborne".²² Claiborne was then trying to rid New Orleans of Casa Calvo's presence, so this might seem an attempt to serve the Spaniard. But Wilkinson's efforts to get rid of Claiborne were rather inspired by a wish to put Burr in his place. As he himself was at the same time governor of Upper

¹⁹ Casa Calvo to the Prince of the Peace, February 28, 1805. Archivo General de Indias, Seville: Audiencia de Santo Domingo, Luisiana y La Florida, Años 1800-1837, est. 87, caj. 1, leg. 10.

²⁰ Casa Yrujo to Cevallos (no. 474), February 7, 1805. Adams Transcripts, Bureau of Rolls and Library, Department of State; Robertson, *List of Documents*, etc., no. 5021.

²¹ Jefferson Papers, series 2, vol. 85, no. 78.

²² Wilkinson to Casa Calvo, March 18, 1805, June 9, 1805. Enclosed in Casa Calvo to Don Pedro Cevallos, August 22, 1805, Audiencia de Santo Domingo, etc., est. 87, caj. 1, leg. 10.

Louisiana, the important frontier posts of New Orleans and St. Louis would thus be in the hands of the two most treacherous adventurers in American public life, with the bulk of the army at their back. Fortunately the administration distrusted such an untoward combination, although personal motives led Jefferson to continue its more pernicious member in the northern post.

Shortly after introducing Burr to Casa Calvo, Wilkinson found it necessary to send the Spaniard an apology for Burr's behavior while in New Orleans. The distinguished but distrusted visitor had neglected the Spaniard's proffered hospitality and had consorted with the group of avowed revolutionists known as "The Mexican Association".²³ Possibly this action too openly proclaimed future intentions to suit Wilkinson. Hence his apology. At the same time he referred to the critical relations existing between their respective countries, possibly to remind the marqués that another substantial payment on account would be acceptable. He hoped that all would yet be well, but if worst came to worst he suggested that, with Casa Calvo as his antagonist, they might do much to mitigate the horrors of war. If he meant to accomplish this by continuing his mercenary intrigues, we may be glad that other events intervened to keep from our military annals an incident that would have put Benedict Arnold to blush. Apparently this indefinite missive closes the intrigue as far as Casa Calvo is concerned, and in view of his curt dismissal he probably wondered what he had to show for his twelve thousand dollars.

During the next year Wilkinson in his dual capacity as commander of the army and governor of Upper Louisiana does still less to justify Spanish hopes. He seems determined to make his neighbors realize the danger in permitting the Americans to remain west of the Mississippi, for he intrigues with Burr, organizes a fur-trading company, initiates Pike's explorations, engages in land speculation with the Spanish faction among the Creoles, and arouses the opposition of all other local factions. This last effort led to his own transfer. He was ordered to repel the Spanish advance on the Texas frontier. After an inexplicable delay he reached the front, speedily took advantage of his new situation to arrange the Neutral Ground Agreement with his opponent, Herrera, and thus betrayed the filibustering project of his colleague, Burr. In this apparent service for the Spaniards, however, he immediately displayed his mercenary motives to a manifold degree, for he demanded more than a hundred and twenty thousand dollars from the Mexican viceroy. At the same time, to escape a storm of newspaper execration gath-

²³ Wilkinson, *Memoirs*, II. 283.

ering in Kentucky, he mystified Jefferson by dark hints of a plot to separate the western states from the Union, visited New Orleans with a farcical reign of terror, and speedily rendered himself the most distrusted and most detested individual in the lower Mississippi Valley. Fortunately for himself, in doing so he had gained renewed influence with Jefferson, for he had directed his efforts against Burr, the victim of the President's implacable hatred.²⁴

During these weeks of exaggerated terrorism, while our general's earlier relations with the Spaniards were being thoroughly ventilated in the *Western World*, a yellow sheet of Frankfort, Kentucky, his later intrigues also caused him considerable annoyance. At Natchez, in the very house in which his dying wife lay, he assured the Quaker surveyor, Isaac Briggs, on his honor as a soldier, that the payment made to him at New Orleans in the spring of 1804 was on account of a former tobacco contract with the Spanish government. He persuaded Briggs to believe him and to act as his special messenger to Jefferson in his feigned exposé of the Burr conspiracy.²⁵ At this very time he despatched another agent, Walter Burling, to Mexico City to make his pecuniary demand on the viceroy for breaking up this conspiracy.²⁶ The alleged plot may have been only the creation of his imagination, but its author had a very tangible object in view. His gambling instinct is shown in the fact that while trying to cover up a former bribe of twelve thousand dollars, he is planning to extort from the same source one ten times as large.

Despite his dependence upon executive influence Wilkinson does not hesitate in a private letter to refer to the President whom he has deceived, as "our fool". His reference is measurably just, though indecorous. In the same missive he calls Claiborne "that beast", and demands his removal forthwith.²⁷ But at the same time the general persuades the innocent governor that there was nothing criminal in his sugar transactions of 1804. By this means the youthful executive was led to acquiesce in the military chieftain's high-handed exercise of power. The public disclosures in the *Western World* and the hatred incurred by his recent course in New Orleans caused him once more to ask his friend Folch to get him out of difficulty.

Wilkinson had already given the Spanish executive minute though inaccurate information of Burr's movements and suggested

²⁴ McCaleb, *The Aaron Burr Conspiracy*, *passim*; Houck, *Missouri*, vols. II., III., *passim*.

²⁵ Wilkinson, *Memoirs*, vol. II., app. LIX.

²⁶ McCaleb, p. 264 *et seq.*; *AMERICAN HISTORICAL REVIEW*, IX. 533.

²⁷ *Annals*, 11 Cong., 2 sess., II. 2359-2360.

that the other should secure Baton Rouge against the projected attack of the Kentucky insurgents. He even proposed that the Spaniard should combine forces with his own against their common foe.²⁸ In this his purpose may have been to further his pecuniary demands on the Mexican viceroy. At any rate, when requesting Folch to permit the American troops to pass by Mobile, he maintained that his measures were designed to protect not only the American territory and the Floridas, but the "Mexican dominions" as well. Influenced by this proposal Governor Folch, on his journey westward, planned to visit New Orleans, confer with Wilkinson and Claiborne on their common peril, and then proceed to Baton Rouge by way of the Mississippi.

Meanwhile the exaggerated report of Burr's advance had so excited the volatile population of the Creole capital that Governor Claiborne, ignorant of the general's necessity, refused to allow Folch and his officials to enter the city; and Wilkinson was constrained to support him in his refusal. The Spanish governor states that Wilkinson's aide urged him to disregard their apparent discourtesy and come on anyhow, promising that Claiborne would not oppose this move. Captain Daniel Hughes, the general's aide-de-camp, himself says that he tried to induce Folch to meet Claiborne and Wilkinson at the San Juan bridge, on the canal outside the city limits. The incensed Spaniard did not believe it in accordance with his dignity as "the Governor of a Province and an officer of His Catholic Majesty" to hold an interview within sight of New Orleans while he was denied permission to enter it, and proceeded immediately to Baton Rouge.²⁹ Thus the name of San Juan was reserved for later use in American military annals.

Although Folch refused to meet him at the bridge Wilkinson did not propose thus to be deprived of the other's valuable assistance. On January 25, 1807, he wrote him through mutual confidants that he was being slandered because of certain alleged Spanish intrigues of a criminal nature. He then asked Folch to state whether he had ever received a pension from the Spanish government, or had held any sort of commission under it. In his reply on the 10th of the following month, Folch acknowledged that he felt under obligation to clear Wilkinson's reputation, for as military officers they were members of a common scientific brotherhood. The Spaniard had

²⁸ Enclosures in Folch's *reservado* no. 58, December 13, 1806, Papeles de Cuba, legajo 1574; Folch to Someruelos, January 6, 1807, Archivo Historico Nacional, Madrid, Estado, legajo 5546.

²⁹ AMERICAN HISTORICAL REVIEW, X. 832 *et seq.*, Folch to Someruelos, *reservado* no. 66, Papeles de Cuba, legajo 1574; War Department, Letters Received, 1807, Report of Daniel Hughes (to Wilkinson), January, 1807.

been in Louisiana since 1783 and had enjoyed confidential relations with his uncle, Governor Stephen Miró. So he was persuaded that if there were any evidence to incriminate Wilkinson, he would know of it. Then he solemnly "asserbrates", as Wilkinson puts it, that no such document exists in his records. The wording of this statement is significant, as we shall see later.

"If", the governor continued, "this statement does not convince those who believe the newspaper as they believe their bible", he advised Wilkinson to remember that he was a soldier and to find "a source of consolation in his unsullied conscience" and his recompense "in the esteem and regard of an enlightened and liberal public".³⁰ Unfortunately, however much Wilkinson might publicly parade his honor and conscience, they doubtless afforded him very little private satisfaction. Perhaps he had this in mind when he wrote to Secretary Dearborn that he had just received from Folch a "very indecorous note" to which he proposed to reply "in a style of contemptuous *insult*, which he may either carry to his grave, or get rid of when he pleases".³¹ Despite his bombastic note to the secretary—designed of course to conceal the real purpose of his correspondence with Folch—Wilkinson used this letter in his public defense published the same year. It is a wonder he dared do so after his letter to Dearborn, for the latter might compare dates and draw awkward inferences; but Wilkinson was accustomed to taking great risks, and may have reckoned on the secretary's support.

In addition to the unsatisfactory tone of Folch's letter Wilkinson found the temper of the Orleans legislative assembly a more pressing reason for a personal interview with the Spanish governor. In the definite protest taking shape in that body Claiborne also was involved, for he had acquiesced in the general's arbitrary course. Consequently both were ready to welcome Folch's intervention. The latter believed he could not afford the expense of a visit to the city, yet in the end he yielded to their importunities, aided by the efforts of mutual friends. He entered New Orleans April 23, 1807, and was received as if he had been the President himself.

On the following day Wilkinson sought his second notable interview with the Spaniard. He first complimented him on the way in which he had kept them in suspense in regard to his visit and then stated that his enemies had accused him of being a fellow-conspirator with Burr. In refutation he showed Folch certain papers to prove that he had been "faithful to the cause of his country and the true

³⁰ Clark, *Proofs*, etc., pp. 64-67, and app., pp. 13, 14.

³¹ Wilkinson to Dearborn, February 20, 1807. War Department, Letters Received, 1807.

interests of Spain". After a prolix examination Folch agreed that he had. The general then told him that a memorial was being prepared against Claiborne and himself in the legislative council of the territory on account of his arbitrary military rule, and he asked Folch to use his efforts to defeat it. This admission, after three years of occupation, that the Spaniard possessed more influence in the Orleans legislature than either Claiborne or himself, is not flattering to the American administration. But the necessity under which the general labored forbade any considerations of pride. Folch states that after considerable difficulty he obtained the suppression of the objectionable memorial and the adoption of one in favor of the two officials.³² We may believe that he did not render them this service simply to heap coals of fire on their heads, but to secure his own province from any possible hostile move on their part.

Shortly after this significant interview Wilkinson went northward to appear in connection with Burr's trial at Richmond. In this event he was supposed to figure as the chief witness for the prosecution, but in reality his public appearance merely added to the popular impression that he was the chief criminal at the bar. It was in connection with this trial that Wilkinson's course at New Orleans received a thorough ventilation. One result was the break in friendship between himself and Daniel Clark, an event which was to have momentous bearing upon his immediate future.

Clark was then serving in Congress as the delegate from the territory of Orleans. During the preceding winter and spring he had advised Wilkinson to modify his course at New Orleans. At this same time he had rendered Wilkinson a most effective service in making public his belief that Wilkinson received no money from the Spaniards in 1804. A letter from the general to Clark concerning this point shows that the former was almost capable of gratitude.³³ Why Clark later turned against his former friend and correspondent we have no direct means of knowing. He states that it was on account of Wilkinson's despotic course in New Orleans. Wilkinson says that it was because he told the truth about Clark's finances, but we have no means of knowing more definitely. At any rate, Clark did not testify as he had hoped to do in Richmond, but later part of his incriminating evidence against Wilkinson appeared in a Philadelphia newspaper. The scandal was then taken up in Congress by the turbulent and vindictive John Randolph. The ensuing discussion resulted in the appointment of a military court of

³² AMERICAN HISTORICAL REVIEW, X. 832 *et seq.*

³³ *Report of the Committee appointed to inquire into the Conduct of General Wilkinson* (Ezekiel Bacon, chairman), pp. 121-128, 134-144, 161-165.

inquiry, and this caused Wilkinson once more to appeal to Folch for some testimony to be used in his behalf. His appeal is directly connected with another measure of national importance.

Jefferson's policy of embargo was then being put in operation. It affected West Florida with especial severity, for this region drew its provisions largely from the American territory to the north. The threat of impending scarcity brought Governor Folch to New Orleans in the spring of 1808. For a number of weeks he tried in vain to induce some of the New Orleans merchants to risk an evasion of the blockade in order to bring him fifteen hundred barrels of flour. After several attempts, as he later tells his superior, he accomplished his object through the clever management of Abner L. Duncan, a prominent lawyer of New Orleans. The governor did not explain in detail the cause of Duncan's interest, although he greatly appreciated it.³⁴ From another source we are able to make the explanation, and to connect his service with the Wilkinson inquiry then going on at Washington.

In February of 1808 Duncan and his partner, Gurley, requested Governor Claiborne to obtain from Folch the answers to certain questions concerning the previous career of Wilkinson. These questions were so worded as to disprove any connection on the general's part with the earlier Spanish conspiracy. Claiborne presented the matter to Folch who eagerly embraced "this opportunity to do justice to the said General out of a regard to honor and truth". Then with apparent directness, but really with skillful evasion, he answered the long list of questions in such a way as to convey the impression that Wilkinson's relations with former Spanish officials had been of a highly honorable nature and in no way detrimental to the United States. He repeated his former statement that there was in the archives under his control no document whatever to show that Wilkinson ever received a pension or salary from Spain.³⁵ His assertion did not then convince Clark and fellow-doubters and from other sources we may now clearly see why.

In a private letter to Wilkinson, dated a few months later, Folch thus expresses himself:

My dear friend: I believe that you are already well convinced that I have acted as is befitting a faithful servant of the noble Spanish Monarchy, and that I have sincerely fulfilled the obligations which friendship imposes upon me. I have done even more, for I have sent to the archives of Havana all that pertains to the ancient History, persuaded that before the United States are in a situation to conquer that

³⁴ Folch to Vidal (copy), February 26, 1808, and Vidal to Folch (copy), March 2, 1808, Papeles de Cuba, legajo 185.

³⁵ Bacon, *Report*, pp. 42-50.

capital you and I, Jefferson, Madison, with all the Secretaries of the different departments, and even the prophet Daniel himself will have made many days' journey into the other world.³⁶

Folch closed his public letter by saying that he had

on all occasions entertained the most favorable opinion of and sincere friendship for General Wilkinson; his qualities as an honest man and one faithful to his country entitled him to our particular attention and regard and we judged him to be worthy of the commission he holds. Should his conduct be in the light that is maliciously represented, we who were well acquainted with the treatment due that class of people would never hold him in our high esteem. Persons of that description are always, when their services are wanted, treated with apparent esteem but considered with the utmost contempt as destitute of all honor. Such services are always paid with money, but no means with regard or affection.

It may have been "regard and affection" that led Folch to pay this glowing tribute to his persecuted friend, but we are more inclined to believe that it was the prospect of obtaining fifteen hundred barrels of flour through the efforts of Wilkinson's lawyers. The basis of the bargain is readily discernible. Wilkinson gained the flattering testimonial; Folch obtained flour for starving Pensacola. It is true that in effecting this exchange, Wilkinson—or his attorneys—had to do violence to Jefferson's pet economic policy, the embargo. It is true that the Spaniards believed that the application of the embargo to West Florida was partly designed to force the relinquishment of that territory to the United States. To permit the shipment of flour to Pensacola would postpone this event upon which Jefferson had set his heart. In gaining his letter by this underhand means, therefore, Wilkinson was running counter to two cherished policies of his friend Jefferson.

Folch later flattered himself that his letter was largely responsible for the favorable verdict that the court of inquiry rendered in 1808. Possibly he feared that his fellow-officers would not relish his efforts in Wilkinson's behalf, in which they were perforce included, especially after that general assumed a dubious attitude in regard to the future of Spain. Writing in December to the captain-

³⁶ Translation no. 5 accompanying the *muy reservado* no. 130 of Folch to Someruelos, January 26, 1809, Papeles de Cuba legajo 1566. In foot-notes Folch states that by "ancient History" he means the charges brought against Wilkinson in the *Western World*. Wilkinson told Folch that he feared that the weak-kneed secretary, Andrés Armesto, might be induced to furnish his enemies with the copies or originals of incriminating documents. Folch promised to guard against this result, and after consulting with Casa Calvo, they concluded to send these documents to Havana together with others not of immediate use. The "Prophet Daniel" was Daniel Clark. Cf. note 6.

general, he attempted to clear himself from any suggestion of undue complicity in Wilkinson's flighty intrigues. He tells his superior that Wilkinson is the author of the "Reflections" submitted in 1804 and mentions that in the interim the American administration had greatly changed in its attitude toward him, so that Wilkinson in gratitude might now give Jefferson the same advice that he had formerly bestowed upon the Spaniards. He then continues:

I have said that he believes me his friend; I ought now to add that I have really conducted myself toward him as one who is in some respects a servant of my sovereign; for I have believed it appropriate to the dignity of the crown to protect a person who is persecuted for having revealed secrets and given information which interested him, as I have formerly communicated to you in detail; but my friendship does not and cannot exceed these limits, for the person of whom I speak lacks all qualities which might recommend him to my friendship, if considered as a private individual.³⁷

A few months after this correspondence there occurred in New Orleans the third and last of the series of interviews between Wilkinson and Folch which constitute the subject of this paper. In the meantime, a military court of inquiry had given Wilkinson a coat of whitewash. Public dissatisfaction with this result was heightened by the publication, early in 1809, of Daniel Clark's *Proofs of the Corruption of General James Wilkinson*. But secure in the support of Jefferson and continued in his station at the head of the army, Wilkinson was selected as the representative of the administration to usher in an era in American political history.

In 1808 Congress authorized the raising of additional regular troops and took measures to embody the militia of the various states. The critical condition of our relations with England and France justified this action. But the appointed place of rendezvous for these troops was New Orleans, and naturally the Spaniards regarded this as a hostile move against themselves. Accordingly Jefferson empowered Claiborne in New Orleans to explain to the neighboring Spanish authorities that the United States had no hostile designs against Spain in her hour of trial, and that the presence of these troops in New Orleans was simply to prevent any other nation from occupying territory to which the United States had a claim. Governor Claiborne dutifully made this representation to Folch at Baton Rouge and to Vidal, the Spanish vice-consul in New Orleans, without, however, materially abating their suspicions.³⁸

³⁷ Folch to Someruelos, *muy reservado*, no. 130.

³⁸ Vidal to Garibay, April 10, 1809, Archivo General y Publico de la Nacion, Mexico, Marina, 1809 á 1814, tomo I.; Claiborne to Smith, April 21, 1809, Claiborne Letters, Package, Bureau of Rolls and Library, Department of State; Parker, *Calendar of Papers in Washington Archives*, etc., no. 7567.

In addition Wilkinson, who was ordered to New Orleans to take command of the troops assembled there, was empowered to stop at Havana and Pensacola, while on his way, and make similar representations to Someruelos and to Folch. His journey to the mouth of the Mississippi, therefore, was marked by visits to those two places and accompanied by rumors that gave a sinister aspect to his mission. He was charged with petty graft in his expense account, with acting contrary to the embargo in carrying a small consignment of flour—an apparent necessity to him in his dealings with the Spaniards—and with making semi-diplomatic representations to the officials whom he visited. From evidence that may not now be given in detail³⁹ there was much to justify all these charges, and with reference to the last to prove it definitely.

In this journey and in his various interviews with the Spanish authorities Wilkinson appeared in a new rôle. While he was to explain the reason for assembling American troops in New Orleans, and to justify the embargo, his most important object seemed to be to sound the disposition of the Spaniards on the subject of independence and to suggest to them the possibility of an alliance to which Spanish America, Brazil, and the United States should be parties. In his correspondence with Folch during the past few months, Wilkinson had become less of a suppliant and had emphasized the possibility of such a union of the New World in case Bonaparte should conquer Spain, as seemed likely.⁴⁰ Whether Wilkinson originated this idea or whether it was exclusively Jefferson's is uncertain. If the former is true we must suggest a new influence contributing to the much-named doctrine associated with James Monroe; if the latter, the executive does not seem to display good judgment in selecting his agent. The Spaniards would hardly view such a policy with favor, when presented by their former discredited agent.

Yet in this incident it is likely that Jefferson was working with his usual finesse. He may have doubted Wilkinson's innocence, but evidently he felt obliged to befriend him. Possibly he felt that the general had been sufficiently frightened to pursue for the future a blameless line of conduct. What could render this more certain than to send him in person to announce his change of heart to his former friends? At any rate his employment on a remote field might allay for a time the storm of criticism that had become harassing to both. In this task Wilkinson might set on foot some new state policy that

³⁹ The writer plans to treat the mission of Wilkinson in a separate article to appear in the *Mississippi Valley Historical Review*.

⁴⁰ This correspondence accompanies Folch's *muy reservado* no. 130. Cf. note 36.

would serve to atone for his previous relations with the Spaniards and at the same time give welcome lustre to the concluding days of Jefferson's administration. The chance was worth the effort and will serve to explain the choice of Wilkinson, whether we view him as a repentant mercenary or an unexpected prophet of Spanish-American independence.

From either point of view Wilkinson's mission was absolutely without result. He reached Havana while the people there were engaged in a riotous demonstration against the French.⁴¹ This prevented him from opening up his mission fully with Someruelos, but Folch's letters to the captain-general had already insured the same outcome. He stopped at Pensacola but the governor was absent, so the general was unable to do more than land his controverted cargo of flour. On reaching New Orleans he found his new levies disorganized and suffering from disease. His dilatory efforts to improve the situation were absolutely futile, but served to bring him once more into unpleasant notoriety.⁴² At the same time Clark's book appeared and added to the public clamor against him. This led him once more to resume the rôle of suppliant, but he was now unable to secure from the neighboring Spanish officials the desired certificates of good moral character.

Nor was he more successful as a diplomat. As early as March, 1809, Governor Claiborne had reported that Mexico and Cuba had determined upon freedom, in case Spain succumbed to France. Two Spanish officials, evidently inspired by Folch, gave him this information.⁴³ In an interview at Baton Rouge, a month later, the Spanish governor personally gave him assurances of a like tenor and appeared ready to welcome American friendship and alliance. But when Claiborne, instructed by Jefferson, had earlier broached the subject to José Vidal, the vice-consul at New Orleans, that official emphasized the obligation that the Spanish colonies felt toward England. Likewise when Wilkinson arrived and secured interviews with Folch and with Vidal, who like the other was an old personal friend, they both insisted in including England in any proposed alliance. Neither of them, however, believed that Napoleon could conquer Spain, and if he did the Spanish colonies would be able to maintain their freedom against him and even bear assistance to the mother-country.⁴⁴ Folch, evidently inspired by Someruelos, pointedly told Wilkinson that it

⁴¹ Someruelos to Garibay, April 7, 1809. Archivo Historico Nacional, Estado, legajo 5543.

⁴² *Annals*, 11 Cong., 2 sess., II. 1606 *et seq.*

⁴³ Claiborne to Secretary of State, March 19, 1809. Parker, no. 7560.

⁴⁴ Claiborne to R. Smith, April 21, 1809. Parker, no. 7567.

was not fitting to divide the possessions of a parent before her decease.⁴⁵

Both Wilkinson and Claiborne report that Folch seemed ready to deliver the Floridas to the Americans in case of any change in political status.⁴⁶ This is significant in view of Folch's offer to deliver his province to the American authorities in the latter part of the following year,⁴⁷ which offer may be interpreted as an indirect result of Wilkinson's mission. In other ways that undertaking was a complete failure. The central administrative authorities at Havana and Mexico City, who were closely in touch with each other, were naturally alarmed by the concentration of American troops at New Orleans. The frontier officials in Texas and West Florida reflected this alarm and refused to give credence to Wilkinson's "pompous protestations" to the contrary.⁴⁸ Finally the latter, distrusted by his former Spanish friends, and pursued by vindictive enemies at New Orleans and elsewhere, was forced to resign his depleted command and once more journey northward in a futile endeavor to clear his reputation from the weighty charges of inefficiency and personal corruption.

ISAAC JOSLIN COX.

⁴⁵ Cf. Vidal to Garibay, April 29, 1809, Marina 1809 á 1814; Folch to Someruelos, no. 141, May 23, 1809, Robertson, no. 5170.

⁴⁶ Claiborne to Smith, April 21, 1809, Parker, no. 7567; Wilkinson to Monroe (1813?), Misc. Letters, 39, Bureau of Indexes and Archives, Department of State.

⁴⁷ *Am. State Papers, For. Rel.*, III. 398.

⁴⁸ Archivo Historico Nacional, Estado, legajos 5543, 5550; Archivo General, Mexico, Provincias Internas, vols. 200, 239.

DOCUMENTS

Estimates of the Value of Slaves, 1815

SYSTEMATIC exhibits of prices of slaves, in books readily accessible, are not too common. Students of the economics of slavery may, therefore, have use for the following documents. They are derived from the papers of the arbitration commission under Article I. of the treaty of Ghent, preserved in the Bureau of Rolls and Library in the Department of State in Washington.

During the War of 1812 the naval and land forces of Great Britain came into possession of a considerable number of slaves, in some cases captured in predatory excursions, in other cases voluntary fugitives or slaves encouraged into flight by British action, such as Admiral Cochrane's proclamation of April 2, 1814.¹

Article I. of the treaty of Ghent provided that: "All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property." Valiant efforts were made by the British government to maintain that the limitation expressed by the words "originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty", applied quite as much to "any slaves or other private property" as to "any of the artillery or other public property". But the position was maintained with difficulty, especially as it was matter of record that in the conferences at Ghent the limiting clause had been, presumably not without significant reason, transferred from the end of the sentence to the position it finally held in the treaty; and the Emperor Alexander, chosen arbitrator under the provisions of the convention of 1818, had (1822) no difficulty in deciding the grammatical question in favor of the United States.

The convention of 1822, concluded in pursuance of this arbitra-

¹ *Niles' Register*, VI. 242.

tion and award, provided for two processes of settlement of the compensation to be paid by Great Britain: first, the ascertainment of an average value to be allowed as compensation for each slave for which indemnification might be due; secondly, the examination of individual claims. The convention (Art. II.) provided that each government should for these double purposes appoint one commissioner and one arbitrator. For the first-named purpose the four, sitting as a board, were conjointly "to examine the testimony which shall be produced under the authority of the President of the United States, together with such other competent testimony as they may see cause to require or allow, going to prove the true value of slaves at the period of the exchange of the ratifications of the treaty of Ghent", and upon the evidence so obtained to "agree upon and fix the average value". With the provision for the determination of individual cases we are not now concerned; after hopeless disagreement Great Britain in 1827 substituted the payment of a lump sum.²

The board of commissioners and arbitrators for ascertaining the average value of the slaves began its meetings in Washington on August 25, 1823. As commissioner on the part of the United States, President Monroe had appointed Langdon Cheves, one of the foremost public men of South Carolina, who in 1814-1815 had been speaker of the federal House of Representatives, but was at this time resident in Philadelphia, where he had till lately been president of the United States Bank; as arbitrator, Henry Seawell of North Carolina, formerly a justice of the superior court of that state. On the part of Great Britain, the commissioner was George Jackson, brother of Francis James Jackson ("Copenhagen Jackson"), the arbitrator John McTavish. James Baker was chosen as secretary, Charles Manly of North Carolina (afterward governor of that state) clerk. The President's son-in-law, George Hay, was made agent for the United States. On August 29, 1823, immediately after the first session of the board, the chief clerk of the Department of State, Daniel Brent, wrote to the attorneys of the United States for the districts of Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, East Tennessee, West Tennessee, Louisiana, Mississippi, and Alabama a circular letter asking their aid in collecting material as to the average value of slaves in 1815, and enclosed the following extract from a letter of Hay to the Secretary of State, dated Washington, August 28, 1823:

² The history of all the proceedings pursuant upon the difference as to Art. I. of the treaty of Ghent is related in Moore's *International Arbitrations*, I. 350-390.

To obviate as far as possible every difficulty on this important point (the average value of slaves), I beg leave to suggest to your consideration the propriety of addressing a letter to such officers of the government of the United States in the several states and districts that have an interest in this question, as you may select, requiring their aid in procuring from intelligent and respectable men, the evidence which will be brought out, by answering the following interrogatories:

1. What according to the best evidence that you can form is the average value of slaves in this state?

2. What is the average value of a slave in that part of the state in which your [*sic*] slaves were lost, and carried off by the British forces during the late war?

What was the average value of a male slave between 15 and 45 years of age, and of a female slave between the same period?

The board held various sessions in 1823 and 1824. The British evidence, a digest of which is presented under XIX. below, consisted in a systematic mass of data from country court-houses. This evidence the Americans endeavored to invalidate by arguments which will be seen in certain of the documents and by evidence collected in response to Brent's circular. The moderate amount presented below, relating chiefly to Maryland and North Carolina, seems to be all that is now preserved, though by act of March 2, 1827,³ the records of this joint commission were transferred to the custody of that which was instituted in 1827, and from that commission should have passed, with the papers of the latter, to the custody of the Department of State.

I. THE U. S. ATTORNEY FOR MARYLAND TO THE SECRETARY OF STATE.

BALTO. Octr 29th, 1823

Sir,

Enclosed I send you the Certificates of three gentlemen relative to the value of slaves.⁴ This business could have been finished long ago but for the indisposition of Mr Forrest who at last only sent me his own attestation. The other two were procured by me this day, they are both men of great respectability and entirely disinterested.

I have the honor to be
with high respect
yr obt Svnt
ELIAS GLENN

The Honor. John Quincy Adams
Secretary of State

II. JULIUS FORREST TO THE U. S. ATTORNEY FOR MARYLAND.

Previous to the appearance of the British vessells in our waters (Chesapk.) Slaves were at a much higher value in the quarter whence they were taken off than in other parts of the State—and it was owing

³ *Statutes at Large*, IV. 219.

⁴ The three documents enclosed are the three which follow, from J. Forrest and B. M. Hodges, and a third from Daniel Kent, identical with the latter.

AM. HIST. REV., VOL. XIX.—53.

to the circumstance of their being so taken off that they fell in value during the war. Sales returned to the orphans Court and the Assessors books during the period referd. to have been examined, but I found that a correct valuation could not be affixed from either of these sources—property sold under the order of the orphans Court (and more particularly negroes) are very generally purchased by the family or friends; who are not opposed by other bidders, when their wish to purchase is thus made known.

As to the Assessors books, it is well understood that property is never assessed to its real value—sometimes two thirds and frequently not more than a half.

The method which I adopted was to get the value of each slave on a plantation in different quarters, and take the average.

JULIUS FORREST

Octbr the 13th, 1823

1. "What, according to the best estimate that you can form, is the average value of a slave in this state?"

2. "What is the average value of a slave in that part of the state from which slaves were lost, and carried off by the British forces during the late War?"

3. "What is the average value of a male slave between fifteen and forty five years of age, and of a female slave between the same periods?"

Ans. 1. Three hundred and seventy five dolls.

2d. Three hundred and fifty dolls.

3d. Four hundred and fifty dolls of males between fifteen and forty five—and, Two hundred and fifty of females between the same periods.

Such is the "best estimate" that I can form in answer to the above interrogatories.

JULIUS FORREST

Upper Marlbro

Octbr the 13th, 1823

III. BENJAMIN M. HODGES TO THE U. S. ATTORNEY FOR MARYLAND. Interrogatories.

1. What according to the best estimate you can form, is the average value of a slave in this State.

2. What is the average value of a slave in that part of the State from which slaves were lost, and carried off by the British forces during the late war.

3. What is the average value of a male slave between fifteen and forty five years of age, and of a female slave between the same periods.

Answers.

To the first interrogatory I answer that the average value of a slave in this State at this time of the description mentioned in the third interrogatory to wit, male slaves are worth from four hundred and fifty to five hundred dollars, and female slaves from two hundred and fifty to three hundred dollars.

To the second Interrogatory I answer that the average value of a slave in that part of the State from which slaves were lost and carried

off by the British forces during the late war is about what is stated in the first interrogatory—the answer to which has relation to that part of the state from which negroes were taken.

To the third Interrogatory I answer that the average value of a male slave between fifteen and forty five years of age on the seventeenth of February eighteen hundred and fifteen was from three hundred to three hundred and fifty dollars—And of a female slave at the same period from two hundred to two hundred and fifty dollars. At the end however of the year eighteen hundred and fifteen and eighteen hundred and sixteen slaves of this description rose to nearly double the above amount.

BENJ. M. HODGES

October 29th, 1823

IV. T. H. WILKINSON TO THE GOVERNOR OF MARYLAND.

CALVERT COUNTY⁵

Feby 10th, 1824

Dear Sir

I hope you will pardon me for not attending earlier to the request contained in your letter to me on the subject of the value of negroes in this county in the years 1813, 1814, and 1815. I was unavoidably prevented from attending to this business for some time and when my attention was turned to it I found it necessary to delay still longer my answer for want of evidence on which to found a correct opinion, which evidence I had calculated on procuring from the Orphans Court records of this county, but on examining the appraisements and sales as returned in the Registers office I found generally so very wide a difference between the sales and appraisements that I could take neither as a correct source of information. The appraisements seemed generally to have been returned at less than the real value of the negroes, sales were usually made on a long credit and therefore the negroes often sold for much more than their actual value. On refering to the County Clerks office and examining the schedules and appraisements as returned by the sheriff of negroes taken in execution during the time mentioned in your letter I found that I could procure no very correct information from them, as these appraisements seemed to have been made with less regard to the real value of negroes than those returned into the Registers office. I then thought it would be best to trace as far as I could actual sales of Negroes in this county about the time you allude to, and from the most diligent enquiry as to actual sales in different parts of this county during the years 1813, 1814, and 1815 I have made up my opinion that during those three years the real average cash price for negro men was about \$350 and for negro women about \$200

With much respect

I am si[torn]

your [torn]

T. H. WILKINSON

[Address:] Samuel Stevens Jr. Esqr.
Governor of Md.
Annapolis

⁵ The letter is postmarked Lower Marlborough.

V. THE DELEGATES FROM CHARLES COUNTY TO THE GOVERNOR OF MARYLAND.

ANNAPOLIS Feby. 10th, 1824

To his Excellency the Governor of Maryland

Sir,

In compliance with a request contained in your Excellencys communication of last week, in which you desire us to give the average value of Negroes in Charles County during the years 1813, 14 and 15—have to state, that from an examination of appraisements of property of deceased persons in said County during said years as returned to the Orphans Court, find the following to be the result—

Males from	1 to	5 yrs	\$ 90	females from	1 to	5 yrs	\$ 75
	5 to	10	200		5 to	10	175
	10	15	275		10	15	250
	15	30	350		15	30	300
	30	40	300		30	40	250
	40	50	200		40	50	150
	50	60	150		50 upwards		100
	60 upwards		100				

According to the appraisements of Mechanics we think $33\frac{1}{3}$ pr. Cent may be added on to them according to their respective ages.

We have the Honour to be

Yrs, etc.,

WALTER M. MILLAR

THOMAS ROGERSON

JOHN EDELEN

R. GARNER

[Endorsement:] The Delegates from Charles County
respecting the valuation of Slaves

VI. THOMAS CULBRETH⁶ TO THE GOVERNOR OF MARYLAND.

HILLSBOROUGH [Md.] Feby 21 1824.

Sir,

Your letter of the 29 Decr. requesting me "to state the real average value of Slaves in Caroline County during the years 1813, 1814 and 1815" did not come to my hands untill a few days past, owing I suppose to its being directed to Denton my former place of residence. This circumstance will account for the *apparent* neglect of your communication. Although there are many Gentlemen of your and my acquaintance better qualified to give you the desired information, none could do it with more cheerfulness than myself.

Slaves in this County and I beleive generally upon this Shore⁷ have always had two Prices, Viz a neighbourhood or domestic and a foreign or Southern price. The domestic Price has generally been about a third less than the foreign and sometimes the difference amounts to onehalf.

During the Several years mentioned and for one or two succeeding,

⁶ Representative in Congress from Maryland 1817-1821.

⁷ The Eastern Shore of Maryland, i. e., the portion of the state east of Chesapeake Bay.

Slaves were unusually high, particularly in the last year named and in 1816 their *foreign* Price was greatly beyond an average of previous and succeeding years. The domestic Price of Slaves is more Stationary than the foreign, indeed it varies but very little at any time.

The foregoing observations I have deemed necessary to a correct understanding of the subject and of my *direct* reply to your request.

During the period mentioned according to my best recollection I think Adult Male Slaves generally brought when sold for any of the Southern States an average of about \$500. Those that were Young and healthy brought more and the older ones less. Females brought from a fourth to a third less than Males. Male Slaves between 14 and 21 years were and are of about equal average Value with Adults and the same may be Said of females from 10 to 16. All ages below 14 for Males and 10 for females would average from a third to half of the price of adults.

The domestic or neighbourhood Price was little if any above half the foregoing at any time, and the foreign Price previous to the period named and subsequent to year 1817 was and has been about on an average one third less.

I have the honor to be with
great respect your Excellency's
Obt. Sert.—

THO: CULBRETH

VII. THE U. S. ATTORNEY FOR NORTH CAROLINA TO THE
SECRETARY OF STATE.

RALEIGH Oct 14th 1823

Honbl. John Q. Adams

Sir

In performance of the request contained in Mr Daniel Brents letter of the 29th of August last I have addressed queries to a number of the most respectable gentlemen in this state conversant with the value of Slaves, and I herewith hand you all the answers which have come to hand. I regret much that the short notice I had, has prevented my receiving only a very small part of the evidence I had a right to expect. In addition to which many of our wealthy slave holders are absent at this season of the year; should I receive other answers to the interrogatories I will send them on in the hope that they may come to hand in season.

I have the honour to be
Very Respectfully
Yours
T P DEVEREUX
Dist Atto.

VIII. J. BURGWYN TO THE U. S. ATTORNEY FOR NORTH CAROLINA.

NEWBERN N. C. Sept 1823

Sir,

I am in receipt your favor 9th. Inst and proceed to reply to your several queries as follows.

Qy. 1st. "What, according to the best estimate that you can form is the average value of a Slave in this State?"—I answer, three hundred Dollars.

2nd. "What is the average value of a Slave in that part of the State from which Slaves were carried off and lost by the British forces, during the late war?"—I answer, Three hundred Dollars.

3rd. "What is the average value of a Male Slave between fifteen and forty five years of age and of a female Slave between the same periods?"—I answer, four hundred Dollars for the Male, and three hundred for the female.

During the late war I was frequently in different parts of the State and particularly on the Sea Coast. My opinion is formed from actual sales within my knowledge,

Respectfully

Yr. Obt. St.

J. BURGWIN

[Address:] Thos. P. Devereux Esqr Dist. Atty.
Raleigh.

IX. THOMAS WYNNS⁸ TO THE SAME.

WINTON Sept 24 1823

Sir

Your letter of the 9th Instant came safe to hand, in which you propose certain questions to be answered as if put in February 17th 1815. I have stated the questions below with my answers on the subject according to the best of my information. 1st What according to the best estimate that you can form is the average value of Slaves in this State—Answer, the average value of Slaves in this State in my opinion was \$250. 2d What is the average value of a Slave in that part of the State from which Slaves were lost and carried off by the British forces during the late war—Answer, I do not now recollect that any Slaves were carried off by the British forces during the late war. 3d What is the average value of a male Slave between fifteen and forty five years of age and of a female Slave between the same period—Answer, the average value of a male Slave between fifteen and forty five years of age was about \$400 and of a female Slave between the same period from \$275 to 300.

I herewith send to you my answers to the questions proposed to me which I have no doubt will get to hand in proper time

I am with respect

Your most obedient

THOS. WYNNS

X. WILLIAM B. MEARES⁹ TO THE SAME.

WILMINGTON Sept. 12th, 1823

Sir,

Yours of 9th. Inst. is Recd. In answer to your 1st. question, "What was the average value of Slaves in No. Ca. on the 17th Febr. 1815?" I answer two hundred and fifty dollars.

In answer to your 2nd. question, "What was the average value of a Slave in that part of No. Ca. from which slaves were taken by the

⁸ State senator 23 years; representative in Congress from North Carolina 1801–1807; councillor of state 1818–1825. Winton is in Hertford County.

⁹ Member of the N. C. House of Commons from Wilmington in 1818 and 1819; state senator from New Hanover County 1828–1830.

British forces?" I say the foregoing valuation is taken from prices on the sea board, and I do not believe that on the 17th Febr. 1815 there was any material difference in the value of slaves throughout No. Ca. During the War, they were higher in the Western Section of the State, than in the Eastern; after the war they became higher on the sea-board than in the Western Section of the State.

In answer to your 3rd. question, "What was the average value of a male slave between fifteen and forty five years of age on the 17th Febr. 1817, and a female slave between the same periods"? I answer the average value at that time of Male Slaves between those ages was four hundred and fifteen dollars, and of females two hundred and fifty five dollars.

The above valuations are fixed from purchases actually made by myself at fair sales about that time.

Yours Resply.

WM. B. MEARES

Thos. P. Devereux Esqr.

XI. FRANCIS HAWKS¹⁰ TO THE SAME.

NEWBERN Sept 29th 1823

Thomas P. Devereux Esq:

Sir

Yours of the 9th instant was duly received and should have had a more prompt answer, had the subject to which you directed my attention been familiar to me—that not being the case I took time to inform myself by Consulting others who I know had been engaged in the purchase and sale of Slaves. The result of my enquiries would lead me to say in answer to your first question, That the average value of a Slave in this State is two hundred and fifty dollars. To your second question I deem it necessary only to say, that no Slaves were carried off by the British forces, from this part of the State during the late War. And in answer to your third question, I should say that the average value of a Male slave between fifteen and forty five years of age is three hundred and fifty dollars, and of a female slave between the same periods two hundred and fifty dollars.

very respectfully

Your obt. Servant

FRANS. HAWKS

XII. J. MANLY TO THE SAME.

NEWBERN October 1, 1823.

Sir

In reply to your letter of 9th September I have the honor to answer, that in February 1815, a male slave, a field hand (without a trade) was worth Five hundred and fifty dollars. A female Slave (a field hand) was worth Four hundred dollars. Taking the slaves families or gangs, a large proportion of aged and infirm and children are included—the average value of Slaves in this State in Feby. 1815, I think was two hundred seventy five dollars. I consider this a fair average for every part of the State. At the same time the average value of a male Slave between 15 and 45 years of age, was Four hundred and fifty dollars:

¹⁰ Collector of customs at Newbern.

and of a female Slave between the same ages, Three hundred and fifty dollars.

Respectfully

Your obedt Servt.

J. MANLY.

Thomas P. Devereux Esquire

XIII. DAVID CLARK TO THE SAME.

SCOTLAND NECK¹¹ 1st October 1823

Thomas P. Devereux Esquire

Dear Sir

I have received your Letter of the 6th. Ult—should have answered sooner but wished to get the opinion of some Gentlemen as to the questions you requested me to answer.

1st. What according to the best estimate that you can form is the average Value of a Slave in this State—

Answer—Two Hundred and fifty to Two hundred and Seventy five Dollars.

2d. What is the average Value of a Slave in that part of the State from which Negroes were lost and carried off by the British Forces during the late War—

Answer—I do not know as to any Negroes being carried off by the British Forces from this State, but believe the Value in the Counties near the Sea Cost generally less than the middle part of the State—they are frequently brought from the former to the latter for sale, but never from the latter to the former. Average price—Two Hundred and Fifty Dollars.

3. What is the average Value of a Male Slave between Fifteen and Forty Five years of age and a Female Slave between the same periods—

Answer—Average Value of Male Four hundred and Twenty five Dollars. Average Value of Female Slave Two hundred and Seventy five Dollars.

Answered as if questions put on the 17th February 1815. I have answered the questions stated by you, from the best information I have been able to obtain. . . .¹²

Yours respectfully

DAVID CLARK

XIV. A. MOORE TO THE SAME.

HILLSBOROUGH 2d October 1823

Sir,

As matters of fact is better than any ones opinion I have been looking among my papers for Memorandum that would ascertain the value of Slaves in the year 1815 in the District in which I lived (Wilmington); having failed however in my search, you must take my judgment.

Take 25 Negroes together in families, and I should say they were worth \$280 each, at any time during the year 1815.

The average value of a male slave would be (from 15 to 45 years of age) \$500, an[d] of a female slave \$325.

¹¹ Scotland Neck is in Halifax County. David Clark was postmaster there.

¹² The remainder of the letter is irrelevant.

As the Enemy never landed within the District, no slaves were lost by them, that I ever heard of.

Respectfully your Obt. Servt.

A. MOORE

T. P. Devereux Esqr.

XV. THOMAS COWAN TO THE SAME.

WILMINGTON North Carolina Octo. 2d, 1823.

T. P. Deverieux Esquire

Sir,

Your favor of the 9th. Ult. has been duly received, and a reply to the several Interrogatives propounded by you, would have been made at an earlier period, had it not been, that I was desirous to consult with a gentlemen who was not in Town, and who from his Official situation was well acquainted with the Value of Negroes about the 17th day of Feby A D. 1817,

I have copied the Interrogatories, and given you as correct an answer as my Knowledge of the value of negroes afforded, assisted by others who were well informed on the subject.

Int. 1st. What according to the best estimate you can form is the average Value of a Slave in this State?

Answer. The Average Value of Slaves in this Section of North Carolina, was three hundred dollars. I have known a gang of Negroes sold at that rate.

Intero: 2d. What is the average Value of a Slave, in that part of the State, from which Slaves were lost and carried off by the British forces during the late war?

Answer, I know of no slaves that were carried off from this place or its Vacinity, by the British forces during the late war. I believe the Value of Slaves on the whole sea coast of North Carolina is about the same.

Inter. 3d. What is the average Value of a male Slave between 15 and 45 years of age, and of a female Slave between the same period?

Answer. The average Value of a male Slave between the ages of 15 and 45 years was five hundred dollars. There are many instances of their selling at a much higher rate, where they are remarkable for their good Character, or are tradesmen. The Value of a female Slave between the same ages was three hundred and fifty dollars

I am Sir

Very Respectfully

Your Obdt Servt.

THOMAS COWAN

XVI. J. WELLBORN¹³ TO THE SAME.

MOUNT TRIAL, Wilkes [Co.]

No. Ca. octobr. 4th 1823

Sir

In answer to the following questions

1st What according to the best Estimate you can form of the average value of a Slave in this State and In the Month of February A. D 1815

¹³ The signature might be J. or T. Wellborn, but is in all probability that of James Wellborn, who represented Wilkes in the state senate 27 years of the period 1795-1834.

Answer at that time the average Value of Slaves between the age of fifteen and forty five would have been about four hundred dollars but in a short time after the above Period the average value would have been at least Six hundred Dollars

2nd What was the average value of a Slave in that part of the State from which Slaves were lost and carried away by the British forces during the last war

Answer from the best Estimate I Can form the average Value was about three hundred and fifty to three hundred and seventy five dollars

3rd What was the average value of a Male Slave between fifteen and forty five years of age and of female Slaves between the Same periods

Answer at the time above stated the average value of Male Slaves of the ages stated in the question was from three hundred and fifty to four hundred Dollars and the average Value of female Slaves of the same ages was from three hundred to three hundred and fifty dollars

J. WELLBORN

Thos. P. Devereux Esqr. Dist. Attor

THE SAME TO THE SAME.¹⁴

Sir

agreeable to your request I have Endeavoured to answer the questions requested by you according to the best Information I then and [*sic*] possessed. I bought and Sold Some. I Sold one boy about twelve or fourteen years old for \$400. I gave three hundred for him near the Sea board but in the latter part of the year 1815 the Same Negroe would have Sold for five hundred and fifty dollars.

I am Sir with due respect your Obt. Servant

J. WELLBORN

XVII. GEORGE L. DAVIDSON TO THE SAME.

IREDELL COUNTY¹⁵ 12 October 1823

Sir

I receivd your note of the 25 Sept by last mail and hasten to answer the Questions proposed.

The value of male Slaves from fifteen to fourty five years of age was in 1815 about \$500, female slaves of the same age about \$300 to \$350, boys from 10 to 15 years old from \$300 to \$400, Girls of the same age from \$200 to \$250. those were the prices of such as were sold. which were not generally of the first quality. I think Negroes of good report could have been sold at an advanced price. the above prices will apply to purchases made in the eastern part of N Carolina from that to Norfolk in Virginia and as far North as Washington City and on the eastern shore of Maryland which Negroes could have been sold in South Carolina in the spring of 1815 for the follwing prices (vs) males from 15 to 45 from \$700 to \$800 Dollars, females of the same age from \$500 to \$600, boys from 10 to 15 years old from \$500 to \$600, Girls from 10

¹⁴ This letter, postmarked Wilkesborough, N. C., was found inside that which precedes.

¹⁵ The letter is postmarked Statesville. George L. Davidson represented Iredell in the House of Commons 1803-1811, and in the state senate in 1824 and 1825.

to 15 from \$300 to 400 Dollars. the above prices are taken from purchases and sales of that year. I am Dr Sir

Yours Respectfully

GEO. L. DAVIDSON

XVIII. DRAFT OF AFFIDAVIT BY HAYNE AND HAMILTON.¹⁶

Robert Y. Hayne, James Hamilton Junr.,
Representatives in the Congress of the United States, being duly sworn say that they have been long residents of the State of South Carolina,—that they are well acquainted with the proceedings of Courts having the controul and superintendence of the Estates of deceased persons,—and also well acquainted with the modes and circumstances under which the usual appraisements of the Estates of deceased persons are made, and with the manner and circumstances under which Slaves are usually sold,—That with respect to *Appraisements* of Slaves, belonging to the Estates of deceased persons, the valuation is usually *considerably below their real value*, and seldom exceeds the price which such Slaves would bring if brought to a *forced sale* under the most unfavourable circumstances. That such appraisements are not considered either in Law or in fact as shewing the true value of such Slaves, and is generally considered merely as a form, and the valuation is not in Law binding either on the heirs, executors, or creditors, all of whom are permitted in legal proceedings to prove the actual value of such Slaves. With respect to the Sales of Estates, usually made for the purpose of effecting a division among the heirs, it is a common practice to permit the widow and children to purchase Slaves at a *nominal* or *very low price*, and even where such sales are made for the payment of debts it is very usual if the Estate be not totally insolvent, to put up large families in one lot, by which means the price is greatly diminished. The sale of Slaves belonging to the Estates of deceased persons would not in general therefore afford a safe rule of estimating their true value, as such sales would most commonly be much below that value.

With respect to sales by *Marshals, Sheriffs*, and other officers of the Law, we would say that such sales are always *forced* and are almost invariably far below their true market value. In addition to the other circumstances which materially lessen the prices at such sales, the *title* is never warranted, and purchasers are reluctant to engage in such speculations.

In South Carolina the practice is to sell Slaves on certain terms, which are considered fair and reasonable, and whenever these terms are departed from, the sale is considered *as forced* and the property never

¹⁶ This document is endorsed as having accompanied a letter from Cheves of April 8, 1824, to the Secretary of State. In that letter Cheves declares that the American testimony in reply to the British (see the digest of the latter in the next document) "will probably consist of general affidavits which shall prove that such testimony, as we suppose will be adduced by the other side, is not to be relied upon". The present time, when Congress is in session, will be a good one in which to secure such affidavits. "Accompanying this letter you will receive a sketch of an affidavit which two of the most respectable members from So. Carolina have been so obliging as to furnish me, at my request, and which they are willing to make themselves and believe their Colleagues will also make. I offer this by way of example."

brings its true value. Sheriffs and Marshals sales—all sales, at an unfavorable season, or in an unfavorable place, are considered as *forced sales*,—and yet such sales will be found to exceed the Appraisements in general.

On the whole the deponents do not hesitate to declare their decided and firm belief that, according to the custom in South Carolina, no sound reliance whatever is to be had on the appraisements of deceased persons Estates,—or on Sheriffs or Marshals sales,—or on any sales which could be considered as *forced*, all of which would be considerably below the true market value of such Slaves,—and they firmly believe that the same circumstances exist in every Slave holding State in the Union.

ROBT. Y. HAYNE
J. HAMILTON JUN

Washington 8th April 1824.

XIX. DIGEST OF THE BRITISH EVIDENCE.

*Digest of Evidence Offered by the British Government on 29th June 1824.*¹⁷

Georgia. Documents No. 1 To 5.

No. 1. Contains

1st. A list of Sales of Negros made in Chatham County Geo. between 1st Decr. 1814 and 15th May 1815 extracted from the Superior Court of the County. The list contains 130 Slaves. Amt: of Sales \$44,667. Average \$343.—This list appears to have been furnished by extracting the contents of the Conveyances from the Sellers to the Purchasers which were recorded in the Registry of the County, And the list has the following "Remarks" written thereon by the Officer granting it. "None of the conveyances herein referred to contain any mention of the Ages of the Negros,—it is not common in such conveyances in this State to insert the Ages and indeed it is never done unless it be for some specific object."

Of these Slaves it appears that 64 were sold to one person and connected with these papers there is the following "remark" by the Officer granting the Document. "The Ages of these negros are not mentioned in the Deed, but there were many *children* and very old negros among them."

2ndly. A Statement of the Division of the Estate of a deceased person among the Heirs or Representatives made on 17th January 1815 by Commissioners appointed by an Order of the Court of Chatham County having Jurisdiction in such cases. The list contains 118 Slaves. Value \$36,375. Average \$308.—The Document contains the following "Remark" of the Officer granting it. "This Document contains the Value of Negros from the Age of Six months to that of 75 Years and having been Valued by three gentlemen of very high respectability and correct judgment under Oath renders it better evidence of the Value of such property than is to be found in Ordinary Bills of Sale."

3rdly. A "list of Sales and Appraisements of Slaves made in Chatham County, Georgia, between 15th Jan: 1815 and 1st May 1815 by Order of the Court of Ordinary of said County." No. of Slaves 14.

¹⁷ Endorsed as having accompanied a letter of July 3, 1824, from Cheves and Seawell to the Secretary of State.

Value \$4215. Average \$307. The Officer granting this Document, in certifying it, says, "I also certify that all the records of this office were not in possession of the Clerk during the period above specified, but that they were at the City of Augusta to which place they were removed by Order of the Justices of the Inferior sitting as a Court of Ordinary for safe keeping, and that during the time aforesaid little or no business was done in this Office, the whole Country being under Arms and until about the 20th March 1815 the papers and records were not brought from Augusta."

No. 2. Contains

1st. "a list of the Appraisement of Slaves made in Richmond Co: Geo., between 1st Nov. 1814 and 31st May 1815 by Order of the Court of Ordinary." This list contains 42 Slaves. Value \$9675. Average \$230.

2dly. "List of the Sales of Negros recorded in the Records of the Superior Court of the County of Richmond Georgia, between 1st Septer. 1814. and 1st August 1815." 8 Slaves. Value, \$2600. Average \$325.—the Officer granting this document remarks that it is a correct account of the Amount of Sales of five Negros sold by Geo: Walton to John Wilson on the 23rd June 1815, the Account of the Amount of Sales of two sold by Francis Gregory to Elizabeth Riley on the 23rd Sept. 1814, and the account of One sold by A. Woolfolk to John H. Mann 7th July 1815," but he gives no Certificate that these contain either the whole of the Sales or a fair selection of them, and it is remarkable that the whole number is only 8, and the period almost a Year.

No. 3. Contains

1st. Appraisements of Sales by Order of the Court of Ordinary of Camden County Georgia, between 17th Decr. 1814 and 17th April 1815. Number of Slaves 47. Value \$10,235. Average \$217.

2dly. A list of Sales of Slaves from the Records of the same Co. between 1st Feb. 1814. and 29th May 1815. Number of Slaves 5. Value \$1775. Average \$355.

No. 4. Contains

List of "Sales and Appraisements" by Order of the Court of Ordinary for Liberty Co. between 7th Decr. 1814 and the 29th March 1815. Viz. 129 Slaves, Value \$29,025, Average \$225. 1 Slave, Do. 300, Do. \$300. This Slave is stated to have been sold at private Sale. 37 Slaves, Value \$9075. Average \$245.

No. 5. Contains

List of Sales by the Marshall of the U. States for Georgia, between 3rd May 1814 and 1st Augt. 1815. 199 Slaves. Value \$47,981. Average \$241. This list probably contains a number of the Slaves enumerated in the first Paper of No. 1. and both exhibit apparent inaccuracy.

Recapitulation of Averages.

No. 1.	130 Slaves.	Value \$	44,667
	118 Do.	Do.	36,375
	14 Do.	Do.	4,215
No. 2.	42 Do.	Do.	9,675
	8 Do.	Do.	2,600
No. 3.	47 Do.	Do.	10,235
	5 Do.	Do.	1,775

No. 4.	129	Do.	Do.	29,025	
	1	Do.	Do.	300	
	37	Do.	Do.	9,075	
No. 5.	199	Do.	Do.	47,981	
Tot.—	730	Do.	Do.	\$195,923.	Average \$268.

Louisiana. No. 1 to 5.

No. 1. Contains

1st. A list certified by a Notary (Ph: Pedesclaux) of Sales of Slaves in 1814. No. Slaves 192. Value \$104,201. Average \$542.

2ndly. A like list certified by the same Notary of Sales in 1815. No. Slaves 256. Value \$130,209. Average \$508.

No. 2 Consists

1st. of a List certified by a Notary (Carlisle Pollock) of Sales of Slaves in 1814. No. Slaves 17. Value \$7175. Average \$422.

2ndly. A like List certified by the same Notary of Sales in 1815. No. Slaves 29. Value \$13,621. Average \$470.

No. 3. Consists.

1st. of a list certified by G. R. Stringer Notary Public, of Sales of Negros from 1st May 1814 to 31st Decr. same Year. No. Slaves 89. Value \$38,785. Average \$435.

2ndly. A like list certified by same Notary, of Sales in all 1815. No. Slaves 202. Value \$82,336. Average \$407.

No. 4. List of the Sales of Slaves made by the Sheriff of the Parish of New Orleans between 1st Decr. 1814 and the 25th July 1815. No. Slaves 42. Value \$13,620. Average \$324. The Sheriff in giving this List annexed the following Certificates.

"I am of Opinion that the Value stated by Mr. C. Pollock's declaration is correct generally allowing that the Slaves were sold as they certainly were, on moderate credits, and some times for Cash.

"The Sales, however made by me as Shff. of the Parish of New Orleans, during the last ten or Eleven Years differ Very materially from the Value Mentioned above; between the 23rd Decr. 1813 and the Decr. 1814 I sold 33 Slaves principally new imported Africans forfeited to the State, which averaged only \$350, and from the latter period to the 25th July 1815 I sold 37 Slaves for \$12,825, averaging \$346 Among which were 12 newly imported Africans. The price of the Africans was very low, as the Sale was unpopular and few were willing to encourage such sales: the Creole Slaves and those acclimated were as must be expected at Sheriff's Sales such as could not be readily sold at private sale for want of good qualities.

"At the Sale of Plantations belonging to deceased persons, the Slaves were sold to other Planters at about fifty pr. Cent more than the prices ever obtained at Sheriff's Sales where Tradesmen and Carters are never sold unless of bad characters: the same is to be observed of Female Slaves possessing good characters and talents, who are always sought after by monied purchasers.

"It may be well to mention the result of the sale of the Cargo of the Brig Juana Sigunda, which consisted of 124 prime Africans of all ages, say from 7 to 30 Years and of both Sexes, sold on 30th July 1818 for the sum of \$95,254, payable One tenth in Cash, and the balance on the 31st March 1819, making an Average of \$768.

(Signed) G. W. MORGAN
Shff."

"Final Certificate given at the request of Mr. Wm. Woodville Agent."

"I certify that I have deemed it essential to annex the preceding copy of a former Certificate, to the extract from the Books of Sheriff's Sales of Slaves made by me between 1st Decr. 1814 and the 25th July 1815 in order to preserve consistency between the said extract and the former Certificate: And that without such certificate I cannot consent to give the extract aforesaid.

"Witness my hand and Seal
at the City of New Orleans
this 12th day of May 1824.

Signed) G. W. MORGAN
Shff"

No. 5. List of Appraisements and Sales made in the Parish of New Orleans, in the State of Louisiana between 1st Decr. 1814 and the 5th May 1815 by Order of the Court of Probates. No. Slaves 82. Value \$40,950. Average \$500.

Recapitulation of Averages.

No. 1.	Slaves	192.	Value	\$104,201	
	"	256	"	130,209	
No. 2	"	17	"	7,175	
	"	29	"	13,621	
No. 3	"	89	"	38,786	
	"	202	"	82,336	
No. 4.	"	42	"	13,620	
No. 5.	"	82	"	40,950	
		909		\$430,898	Average \$474

Maryland. No. 1 to 8.

No. 1. consists of

1st. "Extracts taken from Inventories and Accounts of Sales filed in the Register of Wills' Office in Ann Arundel Co. between 15th Jan: 1815. and 15th March 1815." No. Slaves 159. Value \$24,261. Average \$152.

No. 2 consists of

1st. "Extracts of Accounts of Sales of personal property sold between 15th Jan: and 15th March 1815." No. Slaves 10. Value \$2570. Average \$257.

2dly. "Extracts from Inventories of personal property appraised between 15th Jan: and 15th March 1815." No. Slaves 31. Value \$5195. Average \$167.

Among the Extracts from Inventories is an Inventory of the property of Thomas Gorsuch of which a copy follows.—

"Inventory of Thos. Gorsuch's property appraised the 28th Feby. 1815.

"One black man named Peter	\$100
One black woman named Poll	100
One black woman named Sarah	200
One black boy named Nathaniel	400
	<u>\$800"</u>

Among the Extracts from Sales is an Account of Sales of the same property, of which a Copy follows.—

"From the Account of Sales of Thomas Gorsuch of La. which appears to have been sold the 3rd March 1815.

"One Negro Man, Peter	\$ 250
One Negro Woman Poll,	189
One Negro Girl Sarah	215
One Negro Boy, Nathan	685
	<u>\$1339"</u>

The Sales are	\$1339
The Inventory	800
Difference in 4 Slaves,	<u>\$ 539</u>

No. 3. is "A list of Negros appraised and sold in Prince George's Co. between 15th Jan: and 15th March 1815 as appears by returns to the Orphan's Court for said County." No. Slaves 79. Value \$16,131. Average \$204.

No. 4. is "A List of Negros taken from the Inventories of the personal estate of Thomas Parran and Elias Wolf; and Account of Sales of part of the Negros belonging to the Estate of John Beckett."

1st. Inventories and Appraisements. No. Slaves 23. Value \$3097. Average \$134.

2nd. Sales. No. Slaves 4. Value \$1010. Average \$252.

The difference between Appraisements and sales is here again manifest.—

No. 5. "A List of Slaves appraised between the 15th Jan: and 15th March 1815 belonging to the Estates of deceased persons in St. Mary's Co." No. Slaves 35. Value \$7208. Average \$206.

No. 6. "A List of Negros returned in the several Inventories, Sales, etc. etc. in the Register of Will's Office for Dorchester Co. between 15th Jan: and 15th March 1815".

1st. Inventories and Appraisements. No. Slaves 41. Value \$5764. Average \$140. ~~One~~ One Slave "A Young lad" is appraised at 12 cents.

2nd. Sales. No. Slaves 15. Value \$2802. Average \$182.

No. 7. Inventories and Appraisements and Sales in Talbot Co. between 14th Novr. 1814. and 11th May 1815.

1st. Inventories and appraisements. No. Slaves 80. Value \$12,831. Average \$160.

2nd. Sales. No. Slaves 8. Value \$1001. Average \$125.

No. 8. "A List of Slaves included in Inventories and Sales returned to the Office of the Register of Somerset Co. from 15th Jan: to 15th March 1815."

1st. Appraisements. No. Slaves 11. Value \$1950. Average \$177

2nd. Sales. Of the same Slaves, \$2130. Average \$193.

Recapitulation of Averages.

No. 1.	Slaves 159.	Value \$24,261
No. 2.	" 10	" 2,570
	" 31	" 5,195

No. 3.	Slaves	79	Value	\$16,131
No. 4.	"	23	"	3,097
	"	4	"	1,010
No. 5.	"	35	"	7,208
No. 6.	"	41	"	5,764
	"	15	"	2,802
No. 7.	"	80	"	12,831
	"	8	"	1,001
No. 8.	"	11	"	1,950
	"	11	"	2,130
		<u>507</u>		<u>\$85,950.</u> Average \$167.

In this Recapitulation there is no discrimination between Appraisements and Sales. The Lists contain in several instances Appraisements and Sales of Negroes who have but a few Years and even but a few months to serve and who ought not to be brought into the Average.

District of Columbia. Nos. 1 and 2.

No. 1. "List of the Sales and Appraisements of Slaves made by Order of the Orphan's Court of Washington Co. in the District of Columbia between 21st Jan: and 3rd March 1815." No. Slaves 31. Value \$6950. Average \$223.

It does not appear that any of those contained in this list were sold.

No. 2. "A List of Sales and appraisements of Slaves made by Order of the Orphan's Court of the Co. of Alexandria, D. C. between the 19th Decr. 1814 and the 23rd March 1815." No. Slaves 37. Value \$9200. Average \$248.

This List apparently contains appraisements only,—there are indeed 6 said to be sold, but the prices seem to be those at which they were appraised.

Recapitulation.

Slaves 31.	Value \$ 6,920
37	9,200
<u>68</u>	<u>\$16,120.</u> Average \$234

South Carolina. No. 1 to 9, and Legislative Report.

No. 1. Are Appraisements made in Marion District on the 20th Feby. 1815. No. Slaves 8. Value \$2300. Average \$287.

No. 2. List of Appraisements of Slaves made in Charleston District, between 15th Jan: 1815 and 15th March 1815 by Order of the Court of Ordinary. No. Slaves 393. Value \$111,565. Average \$284.

No. 3. Like list of Appraisements between the same periods in Beaufort District. No. Slaves 10. Value \$3600. Average \$360.

No. 4. Like list of Appraisements between the same periods in Colleton District. No. Slaves 100. Value \$28,910. Average \$289.

No. 5. List of a like Appraisalment made on 2nd March 1815 in Kershaw District. No. Slaves 41. Value \$12,730. Average \$310.

No. 6. Like list of Sales and Appraisements made between 15th Jan: and 15th March 1815 in Richland District.

1st. Appraisements. No. Slaves 2. Value \$840. Average \$420.

2. Sales. No. Slaves 2. Value \$942. Average \$471.

No. 7. Like list of Sales and Appraisements between 15th Jan: and 15th March 1815 in Edgefield District.

1st. Appraisements. No. Slaves 23. Value \$6292. Average \$273.

2nd. Sales. No. Slaves 8. Value \$2271. Average \$284.

No. 8.

1st. A letter from Wm. Payne and Son, Auctioneers, Charleston So. Ca. to James G. Moodie dated 23rd April 1823 in the following words.

"On examining our Sales Book for 1815 we find the Average prices of Negros for that year as follows, Viz.—

For men prime field hands from 20 to 45 years about	\$425
For Wenches Do. 20 to 40	350
Boys and Girls 12 to 15	250—300
Children in proportion.	

"We never keep any Account of the Ages of Negros we sell.

"In 1815 there were but few Sales of Negros owing to the low price they sold at and the sales that were made were principally cash Sales, so that the above may be considered as Cash prices."

2nd. A Certificate dated 29th April 1823, from F. G. Delesseline, Sheriff of Charleston District, giving the following Statement of Sales from the Books of the Sheriff's Office.

6th March 1815. 93 Slaves sold for \$30,080. Average 323

3d April 1815. 100 Do. 48,335. Do. 483.

No. 9. Affidavit of Thomas Milliken Auctioneer, Charleston, So Ca. dated 10th May 1824, of Sales between 22nd Novr. 1814 and 24th Jan: 1815. No. Slaves 13. Value \$3695. Average \$284.

Also A Newspaper (New York Evening Post of 26th Jan: 1824) stating a Report of a Special Committee of the Legislature of So. Carolina averaging all the Slaves of the State at \$300 p. head.

Recapitulation.

No. 1.	Slaves	8.	Value \$	2,300
No. 2.		393		111,565
3.		10		3,600
4.		100		28,910
5.		41		12,730
6.		2		840
		2		942
7.		23		6,292
		8		2,271
8.		93		30,080
		100		48,335
9.		13		3,695
		793		\$251,560. Average \$317.

Average of the Committee of the Legislature \$300.

Virginia. No. 1 to 11.

No. 1. "A list of Negros inventoried and appraised or sold at public Auction between 9th May 1814 and the 5th Decr. 1815" in the County of Stafford. No. Slaves 57. Value \$14,790. Average \$259.

No. 2. "A list of Slaves appraised in the County of Westmoreland at the following dates." 4th Jan: 1815 and 7th March 1815. No. Slaves 17. Value \$3450. Average \$203.

No. 3. "A list of Slaves appraised in the County of Richmond at the following dates". 6th March 1815. No. Slaves 21. Value \$4415. Average \$210.

No. 4. "A list of Negros inventoried and appraised in Essex Co. Va, by Order of the Court between 15th Jan: and 15th March 1815." No. Slaves 88. Value \$21,883. Average \$248.

No. 5. "List of Negros appraised in Northumberland Co. Va, by Order of the Co. Court"—18th Feb. 1815. and 13th March 1815. No. Slaves 6. Value \$925. Average \$154.

No. 6. "List of Sales and appraisements of Negros made between the 15th Jan: 1815 and 15th March 1815 in Lancaster Co. Va by Order of the Court." No. Slaves 16. Value \$3972. Average \$248.

No. 7. "List of Sales and Appraisements of Negros made between 15th Jan. 1815 and the 15th March 1815 in the County of York Va." No. Slaves 19. Value \$4475. Average \$246.

No. 8. "List of Sales and Appraisements of Negros made in Norfolk Co. Va. between 15th Jan: and 15th March 1815 by Order of the County Court." No. Slaves 28. Value \$8,103. Average \$290.

No. 9. "Extract from the List of Appraisements and Accounts of Sales of Negros made in Nansemond Co: Va, between 15th Jan: 1815 and the 15th March 1815 by Order of the County Court." No. Slaves 36. Value \$70,034. Average \$167.

No. 10. "Sales of Negros at Buck's Auction Room, Fredericksburg, Va during the year 1815." No. Slaves 14. Value \$4119. Average \$294.

No. 11. Certificate of Peyton Mason Merchant of Petersburg, Va. of the purchase of Slaves by him in 1814 and 1815. No. Slaves 10. Value \$2125. Average \$212.

Of these Slaves 7 were under 15 Years of Age. If the Ages of these be considered and the resulting Average and the Average of No. 10 be compared with the Averages of Appraisements, the incorrectness of the latter will be further displayed.

Recapitulation.

No. 1.	Slaves	57.	Value	\$14,790
2.		17		3,450
3.		21		4,415
4.		88		21,883
5.		6		925
6.		16		3,972
7.		19		4,475
8.		28		8,103
9.		36		7,034
10.		14		4,119
11.		10		2,125
		312		\$75,291. Average \$241.

North Carolina No. 1 to 6.

No. 1. "List of the Sales and appraisements of Negros made between the 15th Jan: 1815. and 15th March 1815 by Order of the Co. Court of Hertford Co. N. C." No. Slaves 7. Value \$2298. Average \$328.

No. 2. "A list of the Valuation of Negros made between 15th Jan: 1815 and 15th March 1815 by Order of the County Court of Northampton." No. Slaves 5. Value \$1574. Average \$314.

No. 3. "List of Sales and Appraisements of Negros made between 15th Jan: 1815 and 15th March 1815 by Order of the County Court of Halifax." No. Slaves 3. Value \$1210. Average \$403.

No. 4. "List of Sales and appraisements of Negros made in Franklin Co. between 10th Jan: and 20th March 1815 by Order of the Co. Court." No. Slaves 105. Value \$24,690. Average \$234.

No. 5. "List of the Sales of Negros made between 15th Jan: 1815 and 15th March 1815 by Order of Wake Co: Court." No. Slaves 17. Value \$4844. Average \$285.

No. 6. "List of sales and appraisements of Negros made between 15th Feb. 1815 and 15th March 1815 by Order of the County Court of Cumberland." No. Slaves 20. Value \$5810. Average \$290.

Recapitulation.

No. 1.	Slaves	7.	Value \$	2,298
2.	"	5	"	1,574
3.	"	3	"	1,210
4.	"	105	"	24,690
5.	"	17	"	4,844
6.	"	20	"	5,810
		157		\$40,426. Average \$257.

Mississippi. No. 1.¹⁸

"List of the Sales and Appraisements of Slaves made in Adams Co. in the Mississippi Territory, between 19th Decr. 1814 and the 28th June 1815 by Order of the Orp[h]an's Court of said County." No. Slaves 197. Value \$56,730. Average \$288.

"Tho' the Caption of this List includes Sales there are, in fact, no sales, but altogether Appraisements. This is also true in effect in relation to other lists from other States. And in all cases where the Contrast is presented, it is discoverable the Appraisements are below even the Sales of Estates of deceased persons, and Sheriffs and Marshall's sales, 'tho' these last are always made at great disadvantage and for less than the value [of the] property.

Delaware No. 1 to 3.

No. 1. "List of the Appraisements of Slaves made by Order of the Register for the Probate of Wills etc. for the County of New-Castle, Del. between 17th Decr. 1814 and 17th April 1815. No. Slaves 19. Value \$1960. Average \$103.

No. 2. "List of the Sales and Appraisements of Slaves made by Order of the Register of Wills etc. of Kent Co. Del. between 15th Novr. 1814 and 15th May 1815." No. Slaves 20. Value \$3224. Average \$161.

No. 3. "List of Sales and Appraisements of Slaves made by Order of the Register of Wills, etc. of Sussex Co. between 15th Nov. 1814 and 15th May 1815." No. Slaves 39. Value \$4,356. Average \$111.

¹⁸ "It will appear that they have drawn testimony from two States (Delaware and Mississippi), from which no claims have heretofore been presented." Cheves and Seawell to Adams, July 3, 1824.

Many of the Slaves in the forgoing Certificates were bound to servitude but for a Term of Years, which in many instances was short Quer. What is the Law of Delaware relative to Emancipation.

Recapitulation.

No. 1.	Slaves	19.	Value	\$1,960
2.	"	20	"	3,224
3.	"	39	"	4,356
		78		\$9,540.

Average \$122.

General average of the several States.

Georgia	\$ 268
Louisiana	474
Maryland	167
District of Columbia	234
So. Carolina	317
Virginia	241
No. Carolina	257
Mississippi	288
Delaware	122
9/	\$2368
Average—	\$ 263

XX. AVERAGES FROM THE CLAIMS.

Averages deduced from the evidence accompanying the Claims.¹⁹

States	Number of Slaves	Value	Averages.
Georgia	779	\$429,615	\$ 551
Louisiana	224	236,300	1,048
So. Carolina	4	2,450	612
Maryland	546	186,905	342
Alexandria	2	1,100	550
Alabama	13	7,800	600
Virginia	1195	396,048	331
		7/	4,034
		General Average—	\$ 576

XXI. CHEVES AND SEAWELL TO THE SECRETARY OF STATE.

WASHINGTON CITY 13 Sept. 1824

Sir,

We have the honor to inform you that the Board of Commissioners under the Convention of St. Petersburg, on Saturday last, the 11th instant, unanimously agreed upon and fixed the average value of Slaves, under the 2d article of that Convention. The accompanying paper

¹⁹ Marked D, and endorsed as having accompanied a letter of July 3, 1824, from Cheves and Seawell to the Secretary of State. On this and the table just preceding, Cheves and Seawell in that letter remark to Adams, "You have herewith a Statement, marked D, of the averages resulting from the direct proof of value which accompanies the respective claims, and you have the averages resulting from the British testimony annexed to the accompanying digest of it, marked A".

marked (A)²⁰ contains an extract from the Protocol of that day which furnishes the details of this act of the Board. This agreement was the result of a very laborious examination of the Testimony and a number of informal Conferences, the particulars of which as they were not binding on either side, except in the formal act in which they resulted, we believe it to be unnecessary to state.

In the discussion of the question we were very much embarrassed by two circumstances. The 1st was the difficulty of sustaining, under the terms of the Convention, a construction which should authorize several averages,²¹ which was resisted by the British Commissioners, for although it was urged upon them, that the claims were most numerous from those states where Slaves were least valuable and therefore that a General average would be injurious to Great Britain, they replied by expressing their conviction that these could not be substantiated. The 2d was the want of evidence on our part to controvert the accuracy and credibility of the British proof deduced from public sales and appraisements. In answer to our arguments impugning this testimony they replied that the fair and necessary presumption was that proof deduced from Sales and appraisements made by order or under the authority of our own Judicial Tribunals, was the very best proof that could be adduced and that they could not admit, nor could the umpire be authorized in admitting if the question should be brought before him, any impeachment of such testimony unless it were sustained by satisfactory evidence, of which, they alleged correctly, there was none before them. This was certainly unanswerable reasoning and the knowledge on our part that it sustained a false proposition did not afford us the least relief.

With the American testimony you are of course fully acquainted. Of the British testimony the paper (B)²² exhibits a brief analysis. These circumstances had necessarily an influence on our decision. We will not add that we were led to apprehend great delays in case of a reference to the umpire, because we believe it will appear highly probable, on referring to the Convention, that had the question gone before him, a single average must have been the result, which would have been practically so very unjust, that we might perhaps have been induced to yield even more than we did, to have avoided it, had it been necessary; nor did we entertain the least hope, that the Minister of the Mediating Power, near the United States,²³ a stranger to our Institutions and unacquainted with the value of this species of property, varying in different portions of the Country in a degree so surprizing as to be almost incredible, would with the imperfect proofs before the Board, have agreed to a greater average than the medium of the several averages agreed upon, which is no less than \$416. There is another circumstance which it is very material to regard in considering the principal portion of the American testimony. We, of course, mean the claimants' proof. The circumstance is this. the resulting averages of this proof are very much swelled by the descriptions of Slaves taken away, an unusually large portion of these having been of prime character, But, whether

²⁰ Given in substance in Moore, I. 370: for Louisiana \$580, for Alabama, Georgia, and South Carolina \$390, for Maryland, Virginia, and the other states \$280.

²¹ As distinguished from one general average.

²² No. XXI. below.

²³ Baron Tuyll, Russian minister.

correctly or not was not for us to determine, the Convention does not require nor authorize the Board or the umpire to establish the value of the Slaves taken away but "the true value of Slaves at the period of the exchange of the ratifications of the Treaty of Ghent."

The average for Louisiana is the lowest when compared wi[th] the claimants proof, yet we can not help believing that these Claimants have been peculiarly fortunate in the settlement of the actual average fixed for their cases, because, in any other course, they would probably have been governed by a single average considerably below that of which they will now enjoy the benefit. Besides even the naming of an average closely approximating to that which the claimants proof exhibited for this state, vizt. \$1055, would scarcely have been tolerated; and the Idea of establishing any thing like it must be deemed preposterous.

The Claimants proof from Georgia established an average of \$550. The like proof from Alabama and So. Carolina was, by the British Commissioners, put out of view nor could we oppose this course, because it was formed in the case of the last named State on claims for only four Slaves and in that of the former for only thirteen. If then the claimants proof from Georgia be compared with the British proof as well as all the other proof in relation to these States, it will appear that our compromise for Alabama, Georgia and South Carolina, was a good one. It is only necessary to say in relation to Maryland and Virginia that the proof of the claimants gave a joint average for these two states of \$338, while the British proof gave a like average of only \$220, giving an average, if these proofs be amalgamated, of \$279, while that fixed is \$280 and only \$58 less than the utmost claim.

We were informed of no other claims than those from the above mentioned states and thought that all contingent claims from other states, if any, might, without material hazard, be embraced under the average for Maryland and Virginia.

On the whole we are ourselves entirely satisfied with the result upon the fullest examination and the maturest deliberation and have only to hope that it may be equally satisfactory to the Government and that it may be acceptable to the claimants generally; for it would be idle to hope that it will be satisfactory to all.

We have the honor to be, Sir,
With great respect,
Your Obt Servants

LANGDON CHEVES
HENRY SEAWELL

The Honorable
John Quincy Adams
Secretary of State,
Washington City,

XXII. AVERAGES ESTIMATED BY THE BRITISH COMMISSIONERS.

(B) *British Averages.*²⁴

States	Sales	Appraisements	Averages	Joint Averages
Maryland	173	195	184 }	220
Virginia	267	245	256 }	
South Carolina	302	249	275 }	275
Georgia	294	255	274 }	
Louisiana	467	475	471 }	

²⁴ Paper marked B, and endorsed as accompanying Cheves and Seawell's letter of September 13, 1824, no. XX., above.

REVIEWS OF BOOKS

GENERAL BOOKS AND BOOKS OF ANCIENT HISTORY

Notes on Politics and History: a University Address. By Viscount MORLEY, O.M., Chancellor of the University of Manchester. (New York: The Macmillan Company. 1914. Pp. 201.)

LORD MORLEY's essay, amplified from an address which he gave to the students of the University of Manchester in 1912, will appeal most strongly to those who have thought most deeply on the great problems not only of writing history but of human acts and destiny. While it seems, to the casual reader, a somewhat discursive expression of opinions on many subjects, it is really a carefully unified epitome of criticism. Lord Morley hides the art by which he passes from one topic to another, and produces the effect of the elasticity and informality of high conversation. He does not argue, he states; but he states in so pregnant a way that you infer what the lines of argument would be. Merely to trace back his allusions and illustrations, gives you the clue to guide you through many a labyrinth of controversy.

Lord Morley at the outset fixes his eyes on the present political and social upheaval. He notes five profound changes which have come about in British national life within the last fifty years. These are (1) the transfer of political power from the aristocracy and the middle class to the nation as a whole; (2) the spread of compulsory education; (3) the vanishing of ecclesiastical pretensions; (4) the mounting of science and the scientific spirit "into the thrones of literature and art"; and (5) the enormous extension in the conception of the State. Next he discusses each of these topics, not according to a rigid scheme, but broadly, and very sanely. He hints at the many causes which, though apparently independent, have united to transform the modern world. He never slightes the influence of great individuals on this transformation, whether they worked through books, like Rousseau and Darwin, or through deeds, like Napoleon, Cavour, and Bismarck.

Historical students will read with keen interest Lord Morley's section on histories and historical method. He is the farthest removed from the doctrinaire. He has preferences, but not prejudices. He recognizes the value of various schools of historians, but he has no hesitation in assigning the highest place to the interpreters rather than to the documentarians—always provided, of course, that the interpreter is not deficient in scholarship. Noting the change which "scientific" historians produced, he says:

Today taste and fashion have for a season turned away from the imposing tapestries of the literary historian, in favor of the drab serge of research among diplomatic archives, parish registers, private muni-ments, and everything else so long as it is not print. As Acton put it, the great historian now takes his meals in the kitchen. Even here we are not quite at our ease. Bismarck, reading a book of superior calibre, once came upon a portrait of an eminent personage whom he had known well. Such a man as is described here, he cried, never existed. . . . "It is not in diplomatic materials, but in their life of every day that you come to know men." So does a singularly good judge warn us of the perils of archival research. Nor can we forget the lament of the most learned and laborious of all English historians of our time. "I am beginning to think", said Freeman, "that there is not, and never was any such thing as truth in the world" (pp. 90-91).

Lord Morley has stimulating paragraphs on religious history, on the insufficiency of *Culturgeschichte*, on the abuse of historic parallels, and on similarly pertinent matters. He touches also on such fundamental questions as nationality, progress, and the conflicting opinions as to what constitutes the State. He contrasts Cavour's ideal, Liberty, with Bismarck's ideal, Authority. In conclusion, he rejects the view of the sardonic critics of great men and human life. He says:

Without making the mistake of measuring the stature of rulers and leaders of men by the magnitude of transactions in which they found themselves engaged, none at least of those who bear foremost names in the history of nations ever worked and lived, we may be sure, in the idea that it was no better than solemn comedy for which a sovereign demiurgus in the stars had cast their parts" (p. 201).

Even in these brief extracts something of the poise and wisdom and far-reaching suggestiveness of this remarkable epitome can be detected.

WILLIAM ROSCOE THAYER.

Kultur, Ausbreitung, und Herkunft der Indogermanen. Von SIGMUND FEIST. (Berlin: Weidmann. 1913. Pp. 573.)

EVERY few years comparative philology finds itself in the enviable position of being able to readjust its conception of the number, scope, and character of the Indo-European languages. This instability is not the least bit to be regretted, if for no other reason, because it is in the main the product of new and substantial archaeological discovery. Until comparatively recent times question was whether the Hittite (Chatti) were Indo-European or not. The late Hugo Winckler's famous excavation of the ancient capital of the Hittite empire, at Boghaz-Kiöi in Cappadocia, has ruled out for good and all the Hittite from the community of the Indo-European peoples. He found there Hittite inscriptions in cuneiform character, whereas Hittite was previously known only in undecipherable pictograph and cursive writing. Hittite is neither Indo-European nor Shemitic, but a native Asia Minor language (Anatolian), related, perhaps, to the Mitani language, situate in the northwest of Mesopotamia, and long known to scholars from the Tel-el-Amarna tablets.

Some years ago a premature attempt was made to classify three other languages as Indo-European, namely, the language of the Kassians, the Kossaeans (Κοσσαῖοι), or Kissians (Κίσσιοι) of the Greeks; the Mitani; and the Arzava, or Arzapi. Along with other scholars the writer of this review has expressed his disbelief as regards all three of these.¹ It may interest the reader to know that there are now, all told, nine languages in wedge character, only one of which, the so-called Old-Persian, or Achemenidan Persian (the native language of the Achemenidan dynasty, about 500–300 B. C.) is Indo-European. The list is: 1. Achemenidan, or Old Persian; 2. Elamite (Amardian, Neo-Susian), the second variety of Persian cuneiform; 3. Assyro-Babylonian; 4. Sumerian, or Sumero-Akkadian; 5. Kassite or Kossaeen; 6. Vannic, or Armenian cuneiform of Van; 7. Mitani; 8. Arzawian; 9. Hittite cuneiform.

On the other hand archaeological discoveries in Eastern or Chinese Turkestan, most of them recent,² have added to the stock of the Indo-European languages some rather important items. A Middle-Persian dialect, which is called Sogdian, was found as the vehicle of original Manichean religious literature, known previously only through the medium of Arabic writers and Christian Church Fathers. Next, the so-called "North-Aryan", found in the Khotan district in the south-west of Chinese Turkestan. This language is clearly of a somewhat more independent Aryan or Indo-Iranian character. There is some doubt as to its exact ethnological status, but I should say, all things considered, that it will in due time unmask itself as a remote and mixed Iranian dialect.³

Of yet greater interest is another Indo-European language, dug out of the sands of Turkestan, namely, the so-called Tocharian. This is a variety of Indo-European, neither Iranian nor Aryan, but in fact European, rather than Asiatic as might have been expected. The name Tocharian seems to be fairly warranted by a Turkish Buddhist fragment of the *Maitrisimit* (Maitreyasamiti) which professes to be translated from Hindu into "Tohri", and next from Tohri into Turkish. The Tocharians are known in Sanskrit literature as Tukhāra. Strabo, book XI., page 511, mentions the *Τόχαροι* as a nomad people inhabiting Bactria. The most striking feature of Tocharian is, as stated, its European character, or, more precisely, its clearly expressed character as a *centum* language. Historians may not be unacquainted with the fact that one of the most important isoglossic distinctions among the Indo-European languages is that between the *centum* and *satem* lan-

¹ "On some alleged Indo-European Languages in Cuneiform Character", *American Journal of Philology*, XXV. 1 ff.

² Cf. my review of Stein's *Ruins of Desert Cathay*, in this journal, XVIII. 113–116.

³ This view I expressed for the first time, I believe, in the Johns Hopkins University *Circulars*, no. 210 (November, 1908). I see it seconded by A. Meille. in *Revue du Mois*, XIV. 149 (August, 1912).

guages, according as the word for "hundred" (and others like it) begins with a guttural stop *k*, or with a sibilant *s*. The *centum* languages are in the west and southwest of the Indo-European territory (Greek, Italic, Celtic, and Germanic); all the rest, with the exception of the Tocharian, are *satem* languages.

In some degree, I have no doubt, Feist was led on to the composition of his elaborate treatise by the advent of these new Indo-European materials. As is natural in the circumstances, he is disposed to appraise these at their full value, with a slight tendency towards overvaluation. Be this as it may, Feist's work is a learned, critical, up-to-date survey of the early linguistic history, ethnography, and civilization of the Indo-European peoples. It is the peer of the works of Schrader and Hirth in the same field, characterized, perhaps, by greater circumspectness than the works of either of these writers. In the matter of the statement of the intricate and many-sided problems involved in this essentially prehistoric study Feist's book is quite unexceptionable. His results are not, as a rule, as positive as theirs, a quality of self-repression which may fairly be counted unto him for righteousness.

I am not, for my part, delirious about the importance of the new Tocharian, as affecting the general question of the distribution and origin of the Indo-European languages. Feist seems to me to be influenced overmuch by the fascination of the new discovery, and the sensational quality of the Tocharian as a *centum* language. I do not think that the Tocharian should shake our faith in the reality of the *centum-satem* classification. The vast Indo-European habitat of historical times is divided faultlessly (if we leave out the Tocharian) into these two isoglottic sections. Feist's assumption of the gradual assimilation of *k* to *s* in the *satem* languages, in the manner of palatalization in the Romance languages, does not account for the regularity of the process, and the solidity of each of the two sections. Shortly after the first publications dealing with Tocharian three scholars (von Schroeder, Eduard Meyer, and myself⁴) noticed simultaneously that Tocharian shared certain characteristic instrumental endings with the Hittite of Boghaz-Kiöi. These it may have picked up on its way from Europe to Asia. The European quality of Tocharian points, in my opinion, to one conclusion, namely, that it is a stray European language which has found its way to that far-off Asiatic quarter, after taking up very many foreign elements on its long journey, a journey which was, doubtless, not performed in a single stage.

No less an historian than Eduard Meyer, in the first flush of the same discovery, thought that Tocharian proved the origin of the Indo-Europeans in Asia. I do not know whether this excellent scholar continues in this view. Feist elaborates it into what may be called a scientific theory, but I do not think that there is profit in the elaboration. Nearly fifty years ago (1868) Benfey pointed out that the investi-

⁴ See my report in the Johns Hopkins University *Circular* cited above.

gations of geology (prehistoric archaeology) had shown that the great plain of Europe was from times immemorial the abode of man. In that plain no other than Indo-European speech was ever spoken; whereas the Indo-European languages in Asia are surrounded everywhere by allophyllic nations and languages. Indo-European in Asia obviously is (as in India or Armenia), or can easily be accounted for as, an overcrust. The non-Indo-European nationality of Asia Minor offers particularly good reason for assuming that these languages originated *somewhere in Europe*, and not *somewhere in Asia*, provided we include the Scythian steppes in the name Europe. If the spread of the Indo-Europeans had been from Asia to Europe the omission of Asia Minor is hardly explainable; the contrary movement from Continental Europe through Scythia into the Aryan (Indo-Iranian) region must naturally have passed around the water- and mountain-hedged peninsula of Asia Minor (see the maps). At a later time, a sea-faring time, Asia Minor began to be settled sporadically from Hellas and Thrace; then the Aegean Sea, Hellespont, Propontis, and Bosphorus, served as a bridge, rather than put apart, the two peninsulas of the Balkans and Asia Minor.

MAURICE BLOOMFIELD.

Scythians and Greeks: a Survey of Ancient History and Archaeology on the North Coast of the Euxine from the Danube to the Caucasus. By ELLIS H. MINNS, M.A., Fellow of Pembroke College. (Cambridge: University Press. 1913. Pp. xl, 720, with illustrations.)

NEARLY sixty years ago, Neumann published the first volume of his book *Die Hellenen im Skythenlande*—and died. Mr. Minns has been more fortunate; for, *πρῶτος ἀνθρώπων τῶν ἡμεῖς ἴδμεν*, he has attempted a history of Scythia, and lived to publish the whole. Now, having caught up these prodigious arrears (in essentials, if not in every detail), he will find it recreation to keep abreast of what the Russians write, and tell us at intervals what there is fresh to know. For this is a monumental book. The preliminary bibliography of Russian serial publications alone occupies four pages. As Mr. Minns says in his preface, he has attempted to begin at the beginning; so there is an admirable sketch of the physical geography of the region in chapter I., and a full summary in chapter VII. of its “pre-Scythic” culture, little known as yet, but very remarkable in its late neolithic and early bronze-age phases, with finely decorated pottery, painted with spirals and leaf-like designs which suggest affinities with Cucuteni and other Rumanian sites, and more remotely with one phase of neolithic Thessaly. Russian archaeologists may well be excused for thinking, in a first enthusiasm, that they had here the origin of the curvilinear painted ceramic of the Aegean: but there does not seem to be any evidence of such a connection.

But if this culture is “pre-Scythian”, who were the Scythians?

The evidence, as usual, is twofold: ancient testimony, and the results of modern research. Chapters II.-VI. take the first group of sources separately, and present what has come down to us of Greek belief, in a scholarly and cautious way. Chapters III. and V., on Herodotus's account of the country, and of adjacent regions, will naturally attract the attention of "classical" readers, who will value the references to the large Russian literature of this problem. Ethnologists will turn rather to chapter VI. on the migrations of peoples in or out of Scythia in historic times, both for the intrinsic interest of these, and for the light which they throw (by analogy) on the obscurer question of the origin and distribution of the Scythians, as known to the Greeks. This is one line of attack, the ethnological: it does not lead us very far; for our knowledge of the Scythian language is fragmentary, the subsequent intruders above mentioned have probably confused the qualities of the steppe-population beyond possibility of analysis, and (as Mr. Minns is careful to point out) the osteological evidence of interments is of little value till we can determine the date and cultural phase of the particular "kurgans" which contain them: and as he says (p. 145), "kurgan" is just the Russian for "barrow", and there are barrows of all periods from "pre-Scythian" to the thirteenth century. There are also very important "burial-areas" which are not surmounted by a "kurgan". Moreover, the measurements known to Mr. Minns lead to no very decisive result. He treats this matter, however, very briefly, and with less than his usual armament of references. He would add greatly to the debt which we owe him already, if he would some day publish, in collaboration with a professed anthropometer, a digest of all the works on South Russian types of man. A quite fresh line of attack on the ancient accounts of Scythian physiognomy and pathology is opened, by the way, in Mr. W. R. Halliday's recent article in the *Annual* of the British School at Athens on the folk-lore of the *θήλεια νοῦσος*. Whatever their racial characteristics, there seems little doubt that the Scythians of classical time represent in the main the result of a fairly recent period of ethnic disturbance, and that their culture has a quality of its own. The long chapter VIII., therefore, which deals with "Scythian" tombs and their contents, is of central importance in this book. It is most carefully compiled, and richly illustrated—the reproductions of the Kul-Oba ivories are wonderful—and it will remain for long the standard place of reference for the known material, and a sure starting-point for subsequent reviews of discovery. To those who are not already acquainted with the finds, the wealth and variety and the really artistic quality of many of the objects will be amazing; and to any one who is interested in the workings of Hellenic culture on adjacent civilizations and styles, most instructive, and full of perplexing suggestions. With this wealth of genuine material at his disposal, Mr. Minns can afford to be brief about modern prowess: of a famous recent controversy, he gives us the upshot neatly (p. 461): "Saitaphernes would

have been much pleased with Rachumovski's work, had it been executed in time." The well-known Vetttersfelde find, on the other hand, falls here into its proper context; and there is a cautious note on the rude stone figures known as "*Kámennya Báby*", which are often found on Scythian tumuli, but are almost certainly of medieval workmanship.

Less liable to disturbance than Scythia, and presenting clear analogies and similarities in its culture, the great Siberian province falls properly within the scope of a work of this kind, and is adequately but concisely treated in chapter IX. From a comparison between its data and the less foreign-looking objects in the tombs of Scythia itself, it is possible, with all reserve, to frame a notion of the characteristics of Scythian art (ch. X.), and to distinguish the principal sources of non-Scythian influence which modified its course; also to trace Scythian influence, and especially the trail of Scythian zoomorphic design, over a wide area of northern Asia, where it meets and blends grotesquely with the "*Persian beast-style*", a zoomorphic art of wholly different origin.

At this point the book falls a little into two halves. It has traced the history and archaeology of Scythia down to the point where the arts of the Greek colonies along the Black Sea frontage had become the dominant influence, and purely Greek masterpieces like the Chertomlyk bow-case and the Kul-Oba vase were being imported for the use of Scythian chiefs, and (what is more) were being made by artists familiar with Scythian life and manners, as the representations on these objects show. Now comes, in its proper place, the study of the Greek colonies themselves, which are the nurseries of the Scythian Hellenism, beneficent or disastrous according to the capacity and temperament of the individual Hellenized. The connecting link is the material culture of these cities; their political history and their topography are but the setting of the jewel, the Greek spirit which founded, and possessed them so long. And this material culture of the South Russian sites is of more than local importance. Nearly all that we know of Greek woodwork, textiles, and decorative painting, comes (in the accidents of archaeology) from these remote cities, which play so small a direct part in Greek history as we commonly read it. Even in departments of skilled handicraft, such as jewelry, in which we have other sources, in Etruria and Cyprus, many of the finest examples, and many also of the best-dated, are won from Scythian soil. Sculpture, in a country so ill-provided with fine stone as most of Scythia is, naturally makes but a poor show, though the beautiful little head from Olbia which is figured on page 292 shows that the taste for good work was not lacking. Painting, less dependent on natural accident for its execution, flourished splendidly, as the early stele of Apphé and the catacombs of Kertch attest, and passed on into reckless luxuriance in later examples. Some of the decorated vases and terra cotta figures may very well be local studies from the Greek designs which they reproduce. Many of these portable objects are, however, certainly from workshops in the Aegean or beyond:

Athens, Megara, or Alexandria. The rich series of glass work also seems to have been all imported, and on page 82 Mr. Minns says that all of it except the beads is probably Roman. Probably he is right; but on page 362 he refers to "the early kinds, as at Kurdzhips"; meaning apparently the amphora which on page 224 he assigns to the last century B. C. In view of the great difficulty, which we experience at present, in filling the technological gap between the early Greek and the Graeco-Roman fabrics of variegated glass, it would be interesting to follow up these Scythian glass finds more in detail. Even in Kisa's otherwise thorough treatise, *Das Glas in Altertume*, this Scythian material receives less attention than it deserves. Bronzes are curiously rare, but are more frequently of local workmanship than we should expect in that event. In jewelry, the rather sudden and very copious use of colored stones, at and after Alexander's time, repeats, of course, a change which is familiar in other parts of the Greek world; but it would be an important contribution to our knowledge if it could be ascertained whether the stones are of the same quality and materials as elsewhere, or whether they betray another origin. The answer (which perhaps some Russian mineralogist or jeweler has already written out, for Mr. Minns to translate) has an obvious bearing on the question whether the gold work in which they are set was made in the Pontic colonies, or imported from Alexandria or some other of the great centres of this industry. Mr. Minns suggests that the principal sources of these colored stones were the "accumulations of the Persian realm in Iran and Nearer Asia"; did anything from this source come out at Pontic ports and not go round by the great Levantine emporia?

The Greek tombs in which these treasures lay show a special series of constructive forms, and some local peculiarities of arrangement and furniture (ch. XII.). This chapter is short and Mr. Minns apologizes for his inability to press comparisons with other Hellenic types; but if there are deficiencies, they are certainly not on the side which alone he professes to cover, the presentation of the South Russian evidence in a form in which specialists can use it.

The Greek cities to which these rich tombs belonged have left fairly copious remains, and some of them have been carefully examined. There is, however, still room for extensive excavation on all the principal sites; and the chapters (XIV.-XIX.) on Tyras, Olbia, Cērcinitis, Chersonesus, Theodosia, Nymphaeum, and Bosphorus necessarily record, for the most part, only what has been made out with some certainty by surface exploration, and (for political history) by the study of the coins and inscriptions. But the conclusion of the whole matter, for the lay reader at all events, is summed up rather in the section on Colonization and Trade (ch. XIII.), which has, by the way, a select bibliography of its own (p. 444). Mr. Minns thinks that the Cimmerians of the Odyssey represent tales of the Cimmerian Bosphorus, "a land weird enough with its mud-volcanoes and marshes to supply the groundwork for a

picture of the Lower World"; and is tempted to bring the Laestrygonians into this region with them. But he does not feel himself forced by this conclusion to bring down the date of this knowledge of the Scythian foreshore into Hellenic times, and in this he is probably well advised. There is, however, some need for caution against taking for more than they are worth either von Stern's comparisons of the painted vases (already noted) from South Russian tombs with the early Minoan pottery, or the recent stress laid by some German scholars on Greek place-names suggestive of a "Carian" sea-power in prehistoric times. "Carian" theories are as old as Herodotus, and they die almost as hard in Germany as theories Pelasgian do among English scholars. Of very different value is Mr. Minns's own comparison (pp. 437-438) of the Gothic sea-raiders of the third century A. D. (and he might have added the Varangian Northmen, later still) who "took as kindly to sea-raiding" on reaching the Black Sea from the interior of Europe, as he suggests that previous intruders may have done "in the Middle Ages of Greece". Certainly the ancient accounts of the range of "Cimmerian" raids suggest that these northern aggressors had sea-power. A phrase on the same page suggests that Mr. Minns shares the conclusion of Dr. Leaf and others as to the obstruction offered by the Trojan power to Aegean explorers of the North. On the Milesian colonization he has not much to say, perhaps because beyond the bare outlines there is not much to be said; but it is at the cost of undervaluing somewhat the factor of skill and experience in the selection of the greater sites. Until we know more clearly which of the early settlements *failed*, we have not perhaps the material for a decision. Much depends on the question, how soon the Siberian gold began to be transmitted westward, and how far west it came. If, as seems not unlikely, such gold was traded into Balkan lands quite early (though Mr. Minns perhaps would not agree) it was not beyond the calculation of Milesian navigators that a sea-way which ran out so far to the north and up so far along the Scythian rivers might tap this gold-route, just as they (and the Argonauts before them) already knew that there was a "golden fleece" in Colchis. The discovery of a vase of geometric style on the island of Berezan in the neighborhood of Olbia suggests further that (as we should in any case expect) Greek explorers came, and Greek manufactures were traded, before the great rush of colonization in the seventh century: and this means time for a good deal to be found out about the hinterland as well as about the coast. Against Berthier de Lagarde's scepticism about the northern gold, we may set a bit of folk-lore which may be more than coincidence. Herodotus knows that the northern gold comes from far to the northeast of Scythia, and that it is guarded by fabulous griffins. Now the alluvial gold of Western Siberia is often found in gravels containing remains of rhinoceros and other large animals; and the horns of the rhinoceros are recognized by the native gold-diggers as the armament of gigantic birds which formerly haunted the gold-fields. This is

hardly a story "to attract enterprise", as Mr. Minns puts it (p. 440), unless shooting-rights went with the "claim". It looks now like a bit of real local myth, explanatory at first, and manipulated, if at all, with intent to deter Greek prospectors, not to allure them. Mr. Minns makes an interesting point, further on, when he notes the almost total lack of evidence for the use of furs among Greeks outside Pontus. If anything, to wear furs was distinctive of the barbarian: as in Euripides, *Cyclops*, l. 330. The protests of the austere against the luxury of fur-wearing hardly begin before the Christian Fathers, and belong to a time when fashions were set in Byzantium, where the winter is bitter, not in Miletus or Athens or even in Ephesus.

As will be evident already, Mr. Minns has put scholars under a very great obligation of gratitude, for a book of wide learning, and sound judgment: and he is all the more to be congratulated on the completion of it, because none knows better than he that a task like this is pleasantly endless; it takes some courage to write "press" across the sheets and begin fair and square on your "Addenda". And we look for very copious Addenda from Mr. Minns.

J. L. MYRES.

Greek Imperialism. By WILLIAM SCOTT FERGUSON, Professor of Ancient History, Harvard University. (Boston and New York: Houghton Mifflin Company. 1913. Pp. xiv, 258.)

It has for several years been the opinion of the reviewer that Mr. Ferguson is to be ranked at the very forefront of English-writing scholars in the field of Greek history. His early studies in Greek chronology gave him immediate recognition, greater in Europe, perhaps, than in the United States because of the greater interest there in ancient history. The recognition so quickly attained has been justified by the number and quality of his scientific studies published in classical and historical journals of the United States, England, and Germany. By his excellent book on *Hellenistic Athens*, Mr. Ferguson established once for all his reputation as a scholar capable of a sustained constructive effort. In the present volume upon Greek imperialism, which consists of the Lowell Lectures delivered in February of 1913, he appears in a new endeavor, and subjects himself thereby to criticism and evaluation from a new standpoint, that of his ability to address a lay audience and leave with it sharply defined impressions of the meaning and course of Greek imperialism.

In seven chapters the author has presented the progress of Greek imperialism from the organization of the Peloponnesian League in the seventh century B. C. to the time when Greek political life became but a minor factor in the great composite of the Roman Empire. The first chapter is given over to the definition of the political terms and an explanation of the general situation involved in the remainder of the book, especially to the city-state and its ideals and the formation of

leagues by the cohesion of these "unicellular organisms". In the following chapters the author presents to us the tragedy of Greek political life inherent in the idea of the city-state and the ancient tendency and political necessity of combination into larger units. In his treatment of the imperialistic movements of the fifth and fourth centuries, he naturally puts in the foreground the Athenian and Spartan attempts at empire. The importance of the Boeotian League and its influence upon later Greek federal organizations is not neglected. The information upon the Boeotian organization is furnished by the relatively recent acquisition of the fragment of the new Greek historian published in the Oxyrhynchus papyri. The Chalcidic League, the organization of which must certainly be placed about 432 B. C. (A. B. West in *Classical Philology*, IX. 24-34, January, 1914), deserved some mention, although it has received none, in the discussion of the early league formations. The chapter upon Spartan imperialism includes some interesting views upon the great political theorists, Plato and Aristotle, and the reasons for their inability to adjust themselves to the destiny of the city-state, even then manifest. For the general reader the chapter entitled Alexander and the World-Monarchy will probably have an especial appeal, because of the dramatic character of the subject itself and of the presentation. The author reconstructs in a remarkable manner Alexander's knowledge and use of the psychology of the peoples with whom he dealt. This chapter is followed by discussions of the imperialistic ambitions of the Ptolemies, Seleucids, and Antigonids. The sketch of the history of Egypt under Macedonian rule (pp. 149-160) is a notable example of the author's literary charm as well as his historical reach and insight.

In its literary quality the book is marked by an individual, often strikingly forceful, aptness of expression and neatness of characterization. "The last king of Egypt, Ptolemy the Piper, a bastard by birth and instinct, demeaned himself for twenty-eight years" . . . (p. 152). "In the art of government the Antigonids were resourceful, but to lift up a jellyfish on a spear-point is an impossible task. Yet that is what they had to do in Hellas" (p. 215). Cleopatra is the "Alexandrian siren". But "the young Augustus came to Egypt, like the comrades of Ulysses to the shore of the tempters, with his ears stuffed with wax" (p. 154). An occasional sentence shows the lack of that final polishing which rubs out all confusion of personal and possessive pronouns. The notation of a slip such as the statement that "Philip was dead in the full vigor of manhood" indicates that any criticism of the book as a piece of writing must be drawn very fine. In general, the style is vigorous and impressive.

Behind this well-organized and compelling popular study of the Greek attempts at imperialism lies the authority of an independent scholar, grounded upon a wide knowledge of inscriptions, papyri, and ancient literature, and a varied reading, covering all that is appearing in

the field of Greek scholarship to-day. The brief bibliographies given at the end of each chapter are selected with judgment. The land system of the Seleucids with its vast estates held in fief from the crown and controlled from four-turreted manorial castles; the amazing information brought in recent years from the Turfan oasis, which shows the influence of Hellenism upon early Buddhism and the Orient in general; the results of numberless recent studies in the organization and administration of Ptolemaic Egypt, as summed up in the Mitteis-Wilcken *Grundzüge und Chrestomathie*—all this and much more is easy grist to the writer's mill.

The book is full of interesting quotations chosen from ancient authors and of modern, often personal, interpretations. In dealing with the imperialism of Alexander and his successors, Mr. Ferguson has made much of the recently acquired understanding of their demand for worship as gods. It was used as a means of establishing that legitimacy as rulers which these Macedonian nobles otherwise lacked. The imperialistic policy of the Ptolemies of the third century Mr. Ferguson explains as necessitated by the absence of warlike material in Egypt itself and the need of keeping in close touch with the Hellenic cities of the Aegean and Asia Minor as the source "of their stock of reliable soldiers". Although this idea is elaborated with great skill (pp. 162-172), it is not convincing. Mercenaries could be hired in the open market, if one had the money. The power of Carthage at that very time must have made this evident to the astute Ptolemies. And they surely understood the gentle art of extracting money from the ever-fertile soil along the Nile through the 7,000,000 human ants who worked it so patiently.

W. L. WESTERMANN.

A Source Book for Ancient Church History, from the Apostolic Age to the Close of the Conciliar Period. By JOSEPH CULLEN AYER, jr., Ph.D., Professor of Ecclesiastical History, Divinity School of the Protestant Episcopal Church, Philadelphia. (New York: Charles Scribner's Sons. 1913. Pp. xxi, 707.)

THE use of source-books for the study and teaching of history has now become well established. They exist for many fields of work and have contributed much to the vitalizing of historical instruction. Until now, however, there has been in English no such aid to the study of early church history. It is especially gratifying that the volume before us is avowedly a product of that school of church historians who for now more than a generation have been presenting the history of the Church as an integral and inseparable part of the history of mankind. Its inception was due to the American Society of Church History in its latest incarnation under the leadership of the late Samuel Macauley Jackson, but for its completion we are indebted to the persistent energy of its editor, Dr. Joseph Cullen Ayer, jr., of the Episcopal Divinity School at Philadelphia.

With the obvious advantages of all such collections of material there go certain inevitable defects. The limitation of size compels rigid exclusion of whatever does not seem to the editor of general significance; and yet every good teacher has his own personal ideas as to comparative values. He would like to put before his pupils a great deal of what specially interests him and would gladly leave out much that the editor of a source-book, looking at the matter from a more general point of view, feels obliged to put in. Perfectly to suit all readers, or even any one reader, seems, therefore, practically out of the question. The most the editor can expect is that every teacher and student shall find within his field some illustrative material that will be helpful to him, and it is this expectation that must govern the selection of extracts to be printed.

Again, the method of arrangement may make or mar the usefulness of the book. The danger here is of scrappiness, of presenting a disjointed collection of quotations which cannot be thought of as offering even a skeleton for the substance of the student's knowledge. This danger, inseparable from all processes of selection, may be reduced by careful grouping, under well-chosen headings, and by an orderly progression which will suggest the actual movement of history. The skeleton, in other words, if properly articulated, may be a very positive aid to the laying on of the flesh.

These primary requirements of a useful source-book are well met in the present volume. In the first place the field is limited to the first eight Christian centuries, quite wide enough range for a generously printed book of seven hundred pages. The division is fairly equal throughout, though one might have expected a comparatively larger allowance of space for the first three centuries. The arrangement follows well-known precedents in its grouping according to outward and internal relations. Doctrinal developments are traced as closely as possible in sections by themselves. Personal and biographical details are subordinated almost completely to the larger historical and speculative points of view.

It was a serious problem to determine how far, if at all, the selections should be accompanied by explanatory or introductory matter, and opinions will probably differ as to the solution here offered. Of continuous narrative there is none, but short paragraphs of narration are placed at the beginning of chapters and sections and serve to keep up the effect of continuity which holds the several selections together. More could hardly have been done, and the editor expressly reminds us that the parallel use of a text-book of church history is presumed. It may, perhaps, fairly be suggested that these connecting paragraphs might have been set in smaller type and space thus gained for more selections. It would have been convenient if a table of abbreviations for bibliographical references could have been inserted.

The translations appear to be of even merit. They have generally

been made by the editor, and when not so made have been revised in accordance with recent scholarship. In those we have been able to verify there is a commendable effort to reproduce the exact meaning of the original without the sacrifice of smoothness in the English reading. We do not hesitate to commend the volume, not only to teachers of church history, but to all teachers working within the period it covers.

Geschichte der Römischen Kaiser. Von ALFRED VON DOMASZEWSKI, Professor an der Universität in Heidelberg. Zweite Auflage. In two volumes. (Leipzig: Quelle und Meyer. 1914. Pp. viii, 324; iv, 328.)

THE first edition of this history appeared in 1909. It was an attempt to fill the gap left by Mommsen's failure to write volume IV. of his Roman history and was announced as "eine Mommsen ebenbürtige Arbeit". The work now appears in the second edition and it is evidently filling a demand.

As the title indicates, this is a history not of the empire but of the emperors. As against Mommsen's *Provinces* the emphasis is here placed on the personality of the emperors and on the continuity and unity of their *Reichspolitik*. In dedicating his history *Deutschen Lesern*, Domaszewski had in mind the dual importance of the Roman Empire as at once the background for our present-day civilization and as a warning example to his German readers of the decline of an imperial state which was without a sound economic, military, and national cultural basis (I. 1-8). It is frankly a work of popularization intended for the educated German public, but it is also the work of a thorough scholar and an expert in the field covered by the two volumes. Both of these facts must be borne in mind in forming an estimate of this *Geschichte der Römischen Kaiser*.

The treatment is strictly chronological and covers the period from the assassination of Julius Caesar to the accession of Diocletian. A glance at the economy of the two volumes, however, is disconcerting. The entire first volume is devoted to Augustus and Tiberius, and almost one-half of volume II. is given over to the thirty-three years from the death of Tiberius to the accession of Vespasian. This leaves but 177 pages (a little more than a fourth of the whole) for the important period from the Flavian emperors to Diocletian. Such a distribution of material hardly inspires confidence in the author's judgment, even though it be generally conceded that the first sixty-four years of the principate were decisive. (Domaszewski is hardly justified in allotting 155 of a total of 309 pages to the years 44-27 B. C.) In a work intended for the general public, the obligation rests all the more heavily on the historian not merely to present the facts, but to present the facts in their proper perspective and proportion. Though Domaszewski has made

good use of the evidence from the monuments, inscriptions, and coins, he has, nevertheless, sacrificed true historical perspective to the details, often insignificant, of the literary sources. And this, in spite of his own severe arraignment of these very sources (I. 8-10).

We find the same want of proportion as regards the space allotted to the individual emperors—and for the same reason. Though there is room for difference of opinion on minor points, Domaszewski's treatment of Augustus, Tiberius, Trajan, and Hadrian is in general admirable, even masterly. But it hardly makes for sound historical judgment and a sane appreciation of the work of the emperors and the empire to devote almost one-sixth of the whole work to a detailed picture of the vagaries of Caligula, Claudius, and Nero. His aristocratic bias prevents Domaszewski from doing justice to the plebeian Vespasian, "ein Mann ohne Herkunft" (II. 145). Marcus Aurelius fares too well at his hands. The harking back to the idea of the "good emperors" is unfortunate, and there is no excuse for repeating some of the anecdotes and stories, long since discredited, about Nero, Domitian, Commodus, and Caracalla. As for the third-century emperors, the *Scriptores Historiae Augustae* are still too much in evidence.

Finally, one misses an adequate treatment of the larger background needed to supplement and correct this series of imperial biographies. "Die Kenntnis des Staatsbaues ist die erste Bedingung für das Verständnis der Geschichte. Alles politische Leben vollzieht sich im Staate" (I. 9). Domaszewski rightly gives considerable space to the establishment of the principate and the organization of the empire under Augustus (vol. I., chs. XV. and XVI.), treating the subject chronologically "als etwas Werdendes". These two chapters contain one of the best accounts of this most controversial subject. The more is the pity that so little space is given to the subsequent relations between the emperors and the old republican organs of government, and to the gradual transformation of this new imperial creation of Augustus.

In this history, written by an expert in Roman military institutions, one is prepared to find a large place given to the army and its relation to the emperors and the empire, and Domaszewski's *Vorstudien* on military subjects are, for the most part, incorporated in this larger work. He rightly insists on the army as the mainstay of the emperors, and the problem of the frontier and of frontier defense deserves the full and adequate treatment that it here receives. The fullness of the literary sources occasionally tempts the author into too detailed an account of certain military campaigns.

The denationalization of the empire ("der Untergang der Römer") is to be found however not only in external causes, in the triumph of the Illyrians, and in the "Herrschaft der Grenzvölker über das Herz des Reiches" (II. 251). Equally important was the denationalization in culture and religion—a process which receives but scant attention in Domaszewski's history. Jesus is not once mentioned by name (inten-

tionally?) and there are altogether but three brief references to Christianity—under Nero, Decius, and Diocletian (II. 66, 294, 320). Pliny's letter is not mentioned. There is an over-emphasis of the more extravagant forms of the Oriental religions, *e. g.*, under the Severi, and more should have been made of the emperor-cult, especially as a factor in the process of Romanization. The economic and social developments also receive but inadequate treatment.

As these two volumes are intended for the educated public, they are without foot-notes, references to sources, or bibliography. Except for the correction of minor errors in proof of the first edition, and for the use of clearer type, there are no changes in the second edition. The new and valuable results, especially along the lines of the economic, social, and religious history of the empire, have not been used. The style is graphic, but often more forceful and vigorous than elegant.

There is much that is good in this history, but the cardinal fault of the work is the utter lack of historical perspective and proportion. It will hardly help the general reader to a better understanding or a deeper appreciation of the real significance and meaning of the Roman Empire.

R. F. SCHOLZ.

Römische Charakterköpfe: ein Weltbild in Biographien. Von THEODOR BIRT. (Leipzig: Quelle und Meyer. 1913. Pp. 348.)

THE author, Theodor Birt, is professor of classical philology at Marburg, best known among us, perhaps, through his study of the ancient art of book-making, *Das Antike Buchwesen*. In the present work he has attempted to draw character portraits of the great men whose activities determined the course of Roman history in the period from the Hannibalic war to the death of Marcus Aurelius. He is convinced (see the preface) that the customary literary portraits of these great personages are out of focus, because the men themselves are too closely posed in the midst of the great events and movement of political history, and hence cannot live before our eyes in their full nature. He has attempted to isolate them, to understand and judge them, not by their successes and the advantage which the progress of events has had through them, but by what they wished to accomplish (preface). But who of us knows what any political character, even of our own day, really wishes to do, back behind his eyes? And why should we know?

It must be acknowledged that the author has been very skillful in tying his characters together upon several threads of historic development, especially that of the imperial expansion of Rome. But he is deceived in his belief that he has pictured the spirit of the times in his selected characters and that these characters are different with a sort of progressive differentiation, determined by some inner necessity of history. One closes the book with the conviction that biography is not

history. "Pigs is pigs"—and Vitellius is Vitellius. In the last part of the book the author has attained a certain shadowy scheme of progress—the development of the new humanitarian Stoic spirit, beginning with Seneca, progressing through Titus and Trajan and reaching its apogee in Aurelius. Curiously enough the attitude of these men toward their imperial duties is made to rest upon the influence of Seneca's moral essays on wrath, clemency, and the like (pp. 258 and 272). The reviewer finds it difficult to believe in such a direct and powerful influence of the cold-storage philosophic essays of Seneca. They are nothing more than an earlier literary expression of a great social movement which finds its political expression under the Antonines. The decisions as to the character and importance of the great Romans are extremely subjective and apt to arouse one's antagonism. Few readers will accede to the author's evident preference of Titus over Vespasian, "der platte und etwas sehr triviale Mann" (p. 251). This may be a true characterization from the biographical standpoint. If Rostowzew's conclusion is correct (*Geschichte des Römischen Kolonates*), that the organization of the imperial domains is to be ascribed to Vespasian, it is certainly not true historically. Incidents and details cited are sometimes quite trivial. One fails to find any importance in the question whether 2000 fish and 7000 birds were eaten at the banquet given to Vitellius in Rome (p. 247). The book is illustrated with beautiful photographs of ancient portrait busts. As a series of character studies it is very interesting for popular reading; but it is not a "world-picture" and it adds nothing to our knowledge of the great economic movements of the time, and little upon the larger social changes.

W. L. WESTERMANN.

L'Impero Romano e il Cristianesimo. By ALFONSO MANARESI. (Turin: Fratelli Bocca. 1914. Pp. xv, 597.)

THIS work is a comprehensive but not a detailed study of the relations between the Christian Church and the Roman State from the reign of the Emperor Claudius to that of Constantine. The tone is conservative and constructive. The author aims merely at collecting and presenting well-established facts and conclusions. He uses only documents which he considers of unquestionable authenticity, and relieves his pages of long and perhaps futile critical discussion by paying no attention to those which are doubtful or spurious. He has no new theories of an historical or juridical character to explain the opposition between Christianity and the Roman State, and unless in a few cases, where he considers he has sound reasons for his opinion, he is satisfied with giving the theories of others without attempting to decide between them. Though the works of recent authors in many languages have been carefully studied and analyzed, quotations from them are commendably infrequent, the narrative being made to justify itself by its direct dependence on primary sources.

The plan followed is chronological. After a searching but not exhaustive discussion of the sources, the author takes up Roman tolerance in matters of religion in connection with the hostility exhibited towards the Christians, and shows there was nothing inconsistent in the attitude of the Roman emperors and statesmen. Tolerance was a result of the prevailing religious syncretism, from which by their exclusiveness the Christians shut themselves out, and persecution was the logical result of the traditional Roman jealousy and fear of foreign religions. Closer acquaintance with the history of political theory might have revealed deeper and more fundamental constitutional reasons for the irreconcilable opposition between the new religion and the Roman State.

The conservatism of the author is nowhere better shown than in his unqualified adherence to the view that Nero was guilty of the conflagration which caused such destruction in Rome in the year 64. Fear of popular vengeance caused Nero to cast the blame on the Christians, and hence the first great assault on the followers of Christ. Such opinions will, perhaps, seem reactionary to many modern students of the subject, but the author is no doubt justified in going back to the traditional opinion in view of the conflict of ideas prevailing among those who oppose it. From chapter to chapter the narrative proceeds with the same calm exclusion of speculation and critical discussion. Constant attention, however, is paid to the constitutional changes in the empire and to the conflict between the senatorial and the military factions as factors in determining the fate of the Church.

On the various topics which arise in connection with the persecution of the Christians, as *e. g.*, the causes of the persecutions, the existence of special legislation prior to the Rescript of Trajan, the right of the Church to a corporate, legal existence, Manaresi propounds no new theories. The statement that "the Christian social programme which was fundamentally democratic" aroused the enmity of the dominant aristocracy in the time of the Antonines, is misleading in form rather than in import. The Christians themselves were hardly aware that they had a social programme, and the fact that the Christian organization was not attacked until the time of Decius proves that the Romans were not alive to its social import in the second century.

The work is an excellent summary of what has been accomplished in a difficult and debatable department of research. It shows close reading of the works of others; it is fortified by careful and accurate references (though Hardy, p. 201, note, should read Ramsay), and it contains an excellent bibliography, and a well-chosen though scanty collection of texts.

PATRICK J. HEALY.

BOOKS OF MEDIEVAL AND MODERN EUROPEAN HISTORY

Mélanges d'Histoire offerts à M. Charles Bémont, par ses Amis et ses Élèves à l'Occasion de la Vingt-Cinquième Année de son Enseignement à l'École Pratique des Hautes Études. (Paris: Félix Alcan. 1913. Pp. vi, 666.)

A WELL-DESERVED tribute has been paid M. Bémont in honor of his twenty-five years of devoted work in the École des Hautes Études in this large volume of essays by his friends and pupils. Forty-eight essays have been contributed, all concerning the history of England or related phases of Continental history. Only the briefest indication of the contents of these papers is possible here. Ferdinand Lot argues that the *Historia Brittonum* of Nennius does not represent a British tradition independent of the Anglo-Saxon, and that no Hengist, Horsa, or Vortigern had to do with the Saxon conquest. Professor Liebermann contributes a thorough analysis of the laws of Ine, king of the West Saxons, dating them between 688 and 694. Lauer in an interesting argument, based on the poem of Baudri de Bourgueil addressed to Adela the daughter of William the Conqueror, dates the Bayeux tapestry before the epoch 1102-1107. Petit-Dutaillis, resting on Liebermann's proof that the "forest" is not Anglo-Saxon, traces the Franco-Norman origins of the English forest and forest law. Professor Haskins prints a brief manorial document showing conditions under Henry I. and compares it with a corresponding document of the middle of the fourteenth century. The chief change found is the more exact definition of services and the fixing of money equivalents. René Poupardin prints brief annalistic notes written in the abbey of Tewkesbury and running from 1066 to 1149. Victor Mortet discusses the criticism directed in the twelfth century against luxury in ecclesiastical building associated in part with Alexander Neckam. Kohler traces to its origin a mythical account of the connection of Eleanor of Aquitaine with a disaster to the second crusade. Halphen studies the chronology of the interviews between Henry II. and Louis VII. during the exile of Becket. Delaborde writes on touching for the king's evil. Pfister studies a collection of papal bulls formerly existing in the church of Toul and prints one of the eleventh and two of the twelfth century. Antoine Thomas prints and discusses a document bearing upon the relations of John and Angoulême near the beginning of his reign. Élie Berger contributes a brief paper on usury in England in the thirteenth century and prints a papal bull on the subject. Eugène Déprez gives some account of the archives of Guyenne under Edward II. and prints an inventory of them of that date. Henry Martin criticizes the method of David Aubert, an historian of the fifteenth century, making use of his account of the battle of Poitiers. The essays of André-Michel and of Reus deal with operations of the mercenaries of the Hundred Years' War known as "Anglais" at Carpentras and in Alsace respectively. Robert Latouche

has a study on Saint Antonin of Rouergue under English rule in the fourteenth century, especially concerning the appeal of 1368 against the taxation imposed by the Black Prince, and Gabriel Loirette, another on the Sire d'Albret and the same appeal, showing that his action was not a matter of principle but of selfish interest. Both print unpublished documents. Léon Mirot discusses the authenticity of certain letters, which he prints, bearing on the outbreak of hostilities between the Orleanists and Burgundians in 1411, and concludes in their favor. Clovis Brunel decides against the accusation that the English carried home with them certain French provincial archives in the fifteenth century. F. Gébelin prints a nearly contemporary account of the entry of Dunois into Bordeaux in 1451. Morel-Fatio contributes a newly discovered letter of Margaret of York to Isabella of Spain in support of the claims of Perkin Warbeck, which sustains the conclusions of Gairdner on their relations. P. Gautier publishes documents of the end of the fifteenth century showing the condition of Cistercian monasteries in England at that date. Professor Merriman argues that legislative assemblies at the end of the Middle Ages had acquired a more definite right to protect and themselves alone to revoke established law than to make new law, or to legislate in the modern sense. H. P. Biggar describes an English expedition to America in 1527 which visited Newfoundland and some of the West Indies. Paul Fredericq has a brief article on the end of William Tindale *à propos* of a little new material. Jean Régné describes eight witchcraft trials of the sixteenth century in Vivarais and two of later date. G. Constant publishes with an introduction new material throwing light on Philip II's interference with the proposed mission of Perpaglia from the pope to Elizabeth in 1560. D'Estournelles de Constant discusses a proposed mission from the Duke of Alençon to Elizabeth in October, 1575, with new material. Professor Usher analyzes the sermon of Bancroft of February 9, 1589, in which he is supposed to have made the first statement of the doctrine of the divine right of bishops and shows that this idea was not there expressed but must be of later origin. Madame Lubimenko communicates three unpublished letters from Elizabeth to the court of Russia. V. Kybal discusses the part taken by James I. in the Jülich-Cleves affair in 1609-1610, and M. Bernard the relations between France and England following the marriage of Charles I. P. Vaucher describes the negotiations between France and England, 1734-1740, concerning the regulation of commerce with the West Indies. L. Jacob gives interesting extracts from a journal of the siege of Louisburg by a French officer, and R. Soltau gives an account of the diplomatic relations between France and England on the eve of the treaty of 1763, especially of the part played by the Chevalier d'Éon.

A History of England and the British Empire. By ARTHUR D. INNESS. Volume I., to 1485. Volume II., 1485-1688. (London: Rivington. 1913. Pp. xxxiii, 539; xxxi, 533.)

THIS work frankly is intended not for scholars but to appeal to the general reader, with a hope that it may also be of service to young people who have reached what Englishmen know as "the sixth form". The author states that he does not hope to compete with the great modern composite works, but rather while giving "less of detail and less of exposition of evidence than the specialist", to present the history of England as the "work of one hand, of one writer, viewing the entire subject as a complete whole, not a series of monographs".

The scope of the book is inviting. The author's theme is not England but the British Empire; not the Anglo-Saxon Empire, but as we are teaching ourselves to-day, the Anglo-Celtic Empire. This is good and is modern in spirit. Yet in the first volume the comparatively meagre attention given to Celtic peoples hardly fulfills this pledge. In defense the author says that up to the reign of Henry VII., "this history is practically the history of England in which the subordination of Ireland, Wales and the development of Scotland play only a minor part"—only another way of saying—we take it—that apart from English history there is nothing much worth while in the early history of these later contributing peoples—a point of view that has distinguished most English historians up to date.

The Tudor period, on the other hand, is treated largely as a preparation for the union of Great Britain and from this point the stream flows in wider volume. "The British Empire definitely begins with the union of England and Scotland under one crown and the commencement of Colonial dominion and of our Indian establishment." Thus also the author justifies his title *A History of England and the British Empire*.

From this angle, therefore, the author is strictly consistent in making his first volume largely a history of England until he reaches the sixteenth century. The second volume is given to the sixteenth and seventeenth centuries, and is largely, although by no means altogether, devoted to the preparation for union and empire.

In volumes III. and IV., we are promised a fuller treatment of the larger relations into which England merges as a result of the accession of William III. In other words the author promises not only to justify his more pretentious title but also the assignment of two entire volumes to the comparatively short period that remains.

So much for the plan of the book. It is rather attractive; any plan is pleasing that promises to present a great agglomerate whole with unity and progress. The equipment of the author, however, for the successful presentation of such a scheme, judging from these two volumes, may be fairly questioned. In short *England and the British*

Empire, as far as we have it, is the most convincing argument we have yet met, in favor of the modern method of writing national history. Even a casual reader of these two volumes must feel that the author is far more at home when writing on English history than he is when writing on contemporary Celtic history and that he handles with a much surer touch Tudor or Stuart history than he does English medieval history. In fact, frankly, the reviewer suspects that the author's studies in the medieval field have never gone much beyond Freeman and Stubbs or at best Maitland. At least his treatment of this period shows little or no acquaintance with recent critical work. But even within these limitations, he has not always taken the pains to understand his authorities or represent them clearly. Note particularly his treatment of Anglo-Saxon methods of trial on pages 77-78, or of Henry II.'s innovations in methods of procedure on pages 188-189.

The second volume is better. The general summaries are very good; particularly the chapter, From Medieval to Modern, in which are summed up the various influences that launched Europe into the new era. Yet strangely enough the author is silent upon the economic influences that were just as surely preparing men's minds for the break with the old order as new theories of nature, or of Church and State.

Throughout the writer labors under the handicap of a style that lacks both precision and lucidity, and at times even dignity—certainly a style that is entirely unsuited to the class of readers that he avowedly seeks to reach.

In passing, we note the reappearance of Freeman's absurdly pedantic spellings of Anglo-Saxon proper names, as well as the old stockade wall at Hastings that once so aroused the wrath of Mr. Round. William is also given credit for bestowing palatine powers upon the Bishop of Durham. Our old friend, "the bull *Laudabiliter*", also raises its head, although somewhat timidly. So also reappears van Tromp's broom, sweeping the channel, a bit of vainglory of which the honest Dutchman was not guilty.

B. T.

English Farming Past and Present. By ROWLAND E. PROTHERO. (London, New York, Bombay, and Calcutta: Longmans, Green, and Company. 1912. Pp. xiii, 504.)

In the study of history, nothing is more remarkable than the widening field of historical research, the cultivation of which must precede the writing of real history. In earlier times attention was concentrated on great personages, especially the political and military leaders of nations; and religious leaders received attention, but probably inadequate attention, except in those cases (to be sure frequent) where they were at the same time political leaders, like Mohammed and Moses. Moses helped to form a nation and no one could write the history of the Jews without writing about that statesman and religious teacher, but it is extremely doubtful if the influence of that great Jewish law-giver in American history has been adequately described.

The nineteenth century witnessed a violent reaction from the great-man theory of history. Carlyle still made events turn on the hero, but John Richard Green of the succeeding generation of historians typified the reaction in his *History of the English People*. McMaster's *History of the People of the United States* stands for the same theory of history. Possibly the reaction has gone too far because, after all, history is largely shaped by the kind of man, called hero by Carlyle, the man "who can", even if king is not derived from *können*.

In this modern epoch we go to sources, and extend constantly our search for documents into new fields. The economic field especially absorbs attention and while the economist becomes historical, the historian writes economic history; and an overlapping of the fields is found, which in the curriculum of a modern university is often perplexing. Machinery and new sources of power produce revolutionary effects, designated as the Industrial Revolution, treated now by the economists, now by the professional historians. The history of labor has at last received attention and historians must now familiarize themselves with works like the *Documentary History of American Industrial Society*, prepared under the auspices of the American Bureau of Industrial Research, by a group of workers led by Professor John R. Commons, Professor Ulrich B. Phillips, and others. All these fields must admittedly be worked by the modern historian, and then he has not attained rank as a great historian until he knows how to treat his material so as to make his writing literature. The task is overwhelming.

But strangely enough one of the very greatest fields of research has been, comparatively speaking, unworked, one which will prove particularly fruitful, and that is the field of agriculture. But what the present writer has in mind is not technical agriculture, not a discussion of how crops grow and what fertilizers to use on the land to give more abundant yields, but rather the legal, the economic, and the social side of agriculture. Above all things the future historian will concern himself with those questions which centre about the institution of landed property, involving questions of large and small holdings, of tenancy, of the status of agricultural labor, of free land and its disappearance, etc. Questions connected with landed property, for example, lie at the very heart of the history of Ireland, and the failure to work out a satisfactory land policy for Ireland and the struggles about the land make up a chief part of Irish history, and afford the main explanation of the relations of England and Ireland for the last two hundred years, even up to the present day. A new treatment of landed property in Ireland is ushering in a new epoch in Irish history; and had it come fifty years earlier, a good deal of contemporary English history would be different. The heart of English history to-day is found connected with landed property, and the way the subject is treated by the English Parliament will be one of the chief forces, perhaps the chief force, shaping English history for generations to come.

Reflections like these are natural in reading the master work *English Farming Past and Present*, by Rowland E. Prothero. Take, for example, the wars between Napoleon I. and England; how many historians understand that changes in landed property, already under way but stimulated by these wars, were one of the prime conditions of England's final victory? Yet one who reads Prothero finds it difficult to understand how without the enclosures and the accompanying improvements in agriculture England could have won. "Turnip" Townshend and men of his age showed how land could be cultivated continuously with increasing yields, and enclosure made possible modern farming, which increased the productivity of English farms in many instances three and fourfold and even more. Speaking of the great improvements made in English agriculture in the eighteenth century and especially after the accession of George III. (1760), due largely to men like Jethro Tull, Lord Townshend, Bakewell of Dishley, Arthur Young, and Coke of Norfolk, Prothero says:

The improvements which these pioneers initiated, taught, or exemplified, enabled England to meet the strain of the Napoleonic Wars, to bear the burden of additional taxation, and to feed the vast centres of commercial industry which sprang up, as if by magic, at a time when food supplies could not have been provided from another country. Without the substitution of separate occupation for the ancient system of common cultivation, this agricultural progress was impossible (p. 149).

All historians and economists are familiar with the terms common fields and enclosures; but it is to be feared that to comparatively few do these terms convey correct, clear, and adequate ideas. Frequently even writers of distinction evidently have in mind free land or at least publicly owned land, like the American public domain, when they think of the common fields of England, and when they hear of the suffering of the poor, connected with enclosures, their ideas are vague and confused, indeed; but it is apparent that often writers believe that publicly owned or free land was fenced in by the great landed magnates and was stolen from the smaller men, who thus lost, without compensation, rights of pasturing cows and of more or less free feed for other animals, etc. Every reader of Prothero should be enabled to put aside ideas of this kind, which one finds here and there even in England. Elsewhere Mr. Prothero has used these words:

You cannot pick up a paper without seeing a letter, generally signed by Adam or Eve, or by some equally prehistoric person, in which they say the land belonged to the people; it has been filched from the people by the landlords under the inclosures of the last 200 years. You may look at any paper, and day after day you will see that statement repeated. On what do they go? They think that, because half of the land of the country at the beginning of the eighteenth century was in common fields, and there was a great deal of pasture in common with

that land, any person might go with his fork and dig up a piece of land, and go with his cow and turn it out on a piece of grass. Now we know perfectly well that the common field, the arable field, to which that phrase refers, was just as much a tenancy as the modern farm. They were tenants in partnership, and the common was no more the property of the public than my small garden in London is the property of the public. It was occupied pastorally by the men who farmed the arable land, and they took care of their own rights sharply enough. If any one of the public turned a horse or a cow or a sheep on that land they seized it and put it in the pound (taken from *Journal of the Farmers' Club*, May, 1913, p. 83, col. 2).

All this receives further amplification and substantiation in the book under review.

The conditions of land tenure before the Norman Conquest are uncertain. As another modern authority (Mr. H. R. Rew, assistant secretary of the Board of Agriculture and Fisheries) has said, "The social and economic history of this country before the coming of the English is a matter of guesses and inferences. Until William the Conqueror issued the first Royal Commission on Agriculture, and collected the first Agricultural Returns, our knowledge of English rural life is very scanty." That survey, known as the Domesday, reveals the manorial system, from which by an evolutionary process the present conditions of tenure are a growth. All land had theoretically its lord, its owner, but the owner had many obligations and his rights were limited by those of various classes of tenants. The farmers were co-operators, or, to use a phrase quite as accurate, they formed a partnership, and the word common, in common arable fields and common pastures, refers to common rights of the partnership. Enclosure signified the dissolution of the partnership; the division of rights and cultivation in severalty instead of common cultivation.

The historian who would understand the agrarian side of the economic revolution (called the Industrial Revolution) must distinguish between common arable field and common pastures. Both exist now, but the former are rapidly disappearing. It was the good fortune of the present reviewer in the summer of 1913 to visit the common arable fields at Elmstone-Hardwicke in Gloucestershire, which are about to be enclosed; also those at Laxton (or Lexington) in Nottinghamshire; and no historian or economist who can do so, should fail to see with his eyes a modern enclosure. At Elmstone-Hardwicke one can see in miniature rolled out before him a large piece of English social history. The little scattered strips still exist, and a man may have a farm of a hundred acres in forty or fifty pieces held by tenancy, scattered over a great field. In one place in Scotland, one piece of land of some ten acres is divided into over one hundred strips or bits, each with its separate title of ownership or tenancy. At Elmshire-Hardwicke, as at Laxton, one sees the discouragement of the tenant farmers, pursuing antiquated methods of husbandry, unable to drain and improve their

land because of dependence on others in the partnership, and suffering from thriftless neighbors who allow weeds to grow on their strips. One sees also the man who, after the harvest, when common rights of pasture begin, turns in sheep and secures far more than his share of the common pasturage.

The tenants earnestly desire the abolition of the antiquated, thriftless system and the reviewer found no difference of opinion; they expected to gain as well as the landowner.

But the social historian may ask, where is the injustice in the enclosures, of which we hear so much? There was injustice frequently and at times grievous injustice and there was much loss and suffering which cannot be described as injustice. All this is made clear by Prothero. Injustice resulted when in the dissolution of the partnership between the tenants on the one hand and the landlord on the other and among the tenants themselves, some common rights were not succeeded by corresponding separate rights or rights in severalty or did not receive any compensation at all or received inadequate compensation. But this was not the main cause of suffering, which was due to the inability of the small man to hold his own, just as in manufactures he could not hold his own. Small bits of land which were assigned to tenant farmers and cottagers as equivalent of their common rights, were often sold even before they were received into ownership; because they were unsuitable in area for cultivation or because they were worth more to the large than the small owner; or because of lack of forethought or because of downright thriftlessness. No good opportunities were presented for small investments and money payments were often lost. Small money payments are still received by those who had rights in common arable fields and when these amount to a few shillings each, they sometimes are used up in dissipation—a general debauch. But in 1913 the reviewer also visited Epworth, where one finds unenclosed fields but with an abolition of common rights, the strips remaining and a small farmer owning scattered strips, just as is so frequently found in Germany, particularly in southern Germany. Here there are annual payments coming to the former common owners, but they are payments in fuel, “coals” instead of money, a bag or two of coals coming every year or two to the owners of these rights. The vicar, for example, had a few hundred pounds of coals, about a couple of years ago.

But the great evil in the enclosures was the separation of the worker from the land so far as any fixed rights are concerned. Formerly there were economic ties binding the land and the farmer and the laborer. All had a definite standing place in the community. A right to pasture a cow was a tie. Now after enclosure often only a cash nexus remained, and that was weak indeed, and agrarian changes were accompanied by the disappearance of domestic industries; thus from two sides the basis of life in the country for the small man was attacked. Hence the evils.

These evils were due to a false *laissez-faire* policy, which has disappeared. One great present problem is to replace older institutions with modern ones giving their advantages; but this means the adaptation of the old to new conditions. Thus we hear of common pastures as a proposal of reform: pastures not open to every one—an impossibility—but open to groups, each one with definitely assigned rights. And occasionally one finds such commonage in Ireland, brought about as a result of present Irish land reforms.

After Prothero has spoken of enclosure as a necessary condition of English victory over Napoleon he uses these words:

Without the substitution of separate occupation for the ancient system of common cultivation, this agricultural progress was impossible. But in carrying out the necessary changes, rural society was convulsed, and its general conditions revolutionised. The divorce of the peasantry from the soil, and the extinction of commoners, open-field farmers, and eventually of small freeholders, were the heavy price which the nation ultimately paid for the supply of bread and meat to its manufacturing population (p. 149).

Prothero traces English farming after the Conquest to present times and gives a part of English history without the knowledge of which the whole cannot be understood. Writing for English people primarily, parts of his book, simple and lucid as it is, may not readily be understood by American readers; but he gives abundant reference to other authors where further information can be found. The work is interesting and, unless one has the information it gives, contemporary English politics can only imperfectly be grasped. Prothero is a scholar, "late fellow of All Souls College, Oxford", and as agent of the Duke of Bedford with his vast estates, his life is occupied with land problems, both rural and urban. He takes a broad view and advocates reforms which must be especially interesting to Americans, for he favors the creation of a large body of landowners both for economic and social reasons. His position as to present policy is stated in the final chapter of the book, entitled "Conclusion". The reader will find this chapter interesting matter; and he will find a good deal of pathos, and even tragedy, in the story which tells of the brave struggle of English farmers, who have kept on in adversity and are now giving us farming which is the envy of American observers. But tenant farming is breaking down in England, as it has broken down in Ireland. Nowhere has it shown ability to persist as a general system. In Ireland it has cost hundreds of millions to replace tenancy by ownership; in England, before a new system replaces the old, hundreds of millions of pounds will be expended and with results still uncertain. Is it not time that Americans should busy themselves, while our land is still new, with questions of landed property, with a view of developing land policies which will furnish a safe and satisfactory economic basis for prosperity and a social and political foundation for a self-governing republic? The future of our country turns very largely upon our land policies.

Burgage Tenure in Mediaeval England. By MORLEY DEWOLF HEMMEON, Ph.D. (Cambridge: Harvard University Press. 1914. Pp. ix, 234.)

It was formerly held quite generally among English writers on medieval institutions that burgage tenure was merely a form of free or common socage. But Dr. Hemmeon shows quite clearly in his excellent monograph on this neglected subject that burgage was a tenure of its own kind and was not derived from any feudal or villein tenure. The author states his purpose to be to give "a specific description of the urban tenure in medieval England, avoiding speculation as to its origin and dealing only with facts as they are found". Unlike the German historians who have written on the subject of early municipal history, Dr. Hemmeon does not deal in polemics. As to tenurial origins he commits himself only so far as to state his belief that burgage tenure is older than all other forms; but nowhere does he discuss the question in detail. His work deals chiefly with the English problem, but for sake of comparisons he also discusses briefly the corresponding tenures in Germany, the Netherlands, and parts of France.

The problem is treated under three chief heads: incidents of burgage tenure, burgage rents, and mobility. In a number of instances Dr. Hemmeon finds dues and practices that are suggestive of feudal incidents; but these all seem to be exceptional. Marriage and wardship do not appear anywhere. There are scarcely any instances of fealty and homage. Feudal aids are found in a single borough—Castle Rising. Forfeiture and escheat are found to have existed quite generally, but scarcely in their feudal sense. Relief appears in a few boroughs only. The author succeeds in showing quite conclusively that there is no relationship between feudal and burgage tenures. The similarities are more apparent than real and are probably due to the employment of feudal terms or to exceptional circumstances that existed when the borough was founded.

In his chapter on burgage rents Dr. Hemmeon deals with certain payments due to the lord of the borough. These were often nominal and the borough customs show much diversity with respect to these rents. The discussion shows wide and painstaking research, the results of which the author has compiled into a series of interesting and suggestive tables. In the same connection he discusses the nature of the burgage: "Generally speaking . . . the 'burgage' was the land, or the house, or both." The leading feature of burghal land-law, however, was nobility: the burgages could be sold, leased, divided, and devised in a way that feudal land-law would never permit. The author discusses at some length the various methods and devices used in making divisions and transfers and shows how they affected the title to the property in question. Some attention is also given to restrictions on sales and transfers. In his fourth chapter he discusses various aspects of the problem that do not fall under the three main heads. In this chapter the nature

of the *firma burgi* is discussed and new light is thrown on this venerable subject. An appendix gives a brief discussion of burgage tenure in Germany. Dr. Hemmeon's monograph will prove a valuable addition to the literature of medieval institutions.

LAURENCE M. LARSON.

The King's Council in England during the Middle Ages. By JAMES FOSDICK BALDWIN, Ph.D., Professor of History, Vassar College. (Oxford: The Clarendon Press. 1913. Pp. 559.)

THOSE who have followed Professor Baldwin's articles on the council, appearing from 1905 to 1910, have been looking forward to the present work with great expectations. These expectations are realized, and it is confidently asserted that an important and lasting contribution has been made to the history of English government. The articles indeed, while they indicated the trend and quality of his research, are yet a minor element in the sixteen chapters of the book. Chapter I., the Initial Problem, is new; chapter II., the Council under Henry III., is in part a reproduction of *Beginnings of the King's Council* (*Trans. Royal Hist. Soc.*, XIX. 27-59); chapter III., the Council and the 'Curia Regis', is largely new; chapter IV. expands an article on the council from Edward I. to Edward III. (*Eng. Hist. Rev.*, XXIII. 1-14); then comes an important linguistic study of the 'Privy' Council, the 'Great' Council, and the 'Ordinary' Council; chapter VI., the Council in the Time of Richard II., expands a corresponding article (*AMERICAN HISTORICAL REVIEW*, XII. 1-14); then follow two new chapters which omit special problems and deal with "composition and general political bearings" under the Lancastrians, followed by seven chapters on those phases of the council's history requiring topical treatment; chapter IX. is a new study of the Council and the Exchequer; chapter X., the Council and Chancery, has been anticipated by two articles (*AMERICAN HISTORICAL REVIEW*, XV. 496-508; 744-761); the two following, Jurisdiction of the Council and Council and Parliament, are new; chapters XIII. and XIV., Antiquities of the Council and Records of the Council, correspond to similarly named articles (*Eng. Hist. Rev.*, XXI. 1-20; *AMERICAN HISTORICAL REVIEW*, XI. 1-15); chapter XV., the Councillors in Relation to the King and to One Another, is new; and the last chapter reverts to chronology, and gives a striking account of the Yorkist and Tudor council to 1540. The book closes here because "the connection of the medieval council with its modern derivatives" has been shown, "the chief problems which affected the institution during the middle ages were practically settled", and from this point "no single work could possibly follow the manifold activities of the modern conciliar system" (pp. 457-458).

For the fourteenth and fifteenth centuries Professor Baldwin is master of his subject, and it is the reviewer's belief that future work

here can be upon points of detail only. For parts of the thirteenth and his slight incursion into the twelfth, the same cannot be said. Here he has avowedly depended more upon others, and the results are correspondingly less satisfactory. His *curia regis* he has taken ready-made, a particularly hazardous thing to do. The current dictum that there was no distinction in medieval Latin between counsel and council has been accepted to the detriment of some parts of the work (pp. 24-25, 104, 308, etc.). The *concilium* which was the predecessor and alternate of *colloquium* and *parliamentum* he appears not to know; hence the early evolution of *consilium* as the recognized name of a smaller, more permanent king's council misses its due appraisal in the evidence of a developing conciliar idea. (For a limited, yet, I believe, typical, bit of evidence on this point, see pp. 740-741 of this REVIEW.) Hence also he has not distinguished between the fourteenth-century *magnum consilium* and the *magnum concilium* of the twelfth and early thirteenth. And *commune consilium* is still deemed a possible name of a medieval assembly (p. 68). Turning to another point in origins, the book throughout shows that a thorough study of the twelfth-century royal *familia* is needed. Very prominent is the steady proneness of the council to revert to a group of the household type. Henry II.'s politically active *familia* seems a clue that ought to be worked to the utmost (in one volume of "Benedictus" there are forty references to this group).

Of points of excellence and additions to knowledge there are great store, beyond the compass of this review to set forth even in bare outline. A leading trait is the emphasis on the council's method of doing business; "in tracing the effect of this or that administrative method" is "found the essential factor of an institutional development" (p. vii). For example, in tracing the branches of the primitive central governing body, it has been found that the adoption of the "new prerogative procedure in unequal measure proved to be the great factor in bringing about their separate organization" (p. 49). With lavish inclusiveness, such related institutions as Exchequer, Chancery, Admiralty, Star Chamber, Parliament are brought into a masterly study in the subtle institutional differentiations of the fourteenth and fifteenth centuries. The early equity of the Exchequer and how equity went finally to Chancery, and the Lords Ordainers' unrecognized share in this change (ch. IX.); the long confusion of primitive Star Chamber and Chancery, and the common-law functions of the latter (ch. X.); the "privy seal method" as the origin of Star Chamber (ch. XI.); how the hostility of the barons to "evil counsellors" perhaps marked the true beginning of the distinction between House of Lords and council (ch. XII.); the first satisfactory account of the council's clerks and president (ch. XIII.); the council following the king and the council at Westminster as the genesis of Privy Council and Star Chamber, the clearing up of the mystery of the degenerate Yorkist council, with the cause and manner

of its Tudor revival (ch. XVI.)—these and many other important matters remain impressed upon the reviewer's mind.

On the side of heuristic much has been done. A surprising amount of new material has been turned up in the Record Office (Sir Harris Nicolas used only the British Museum MSS.), and the author's unique mastery of the still disordered mass of council material is abundantly evident. Some important documents are printed for the first time in the appendixes. Two notable points in conclusion. Professor Baldwin has wonderfully maintained the true researcher's humility and obedience to the lead of the documents. Escaping that "prevailing rigidity of thought" which has stultified so much labor in English history, he has kept religiously from "cynicism or a feeling of the superiority of a later age". No less remarkable is his self-effacement. Far from parading discoveries and new theses, such things are introduced so quietly and with such generous recognition of every bit of worth in previous work that the reader is in danger of underrating the great things that have been done. A rare union is here of critical insight, self-control, and patient industry, and it calls for very high praise.

ALBERT BEEBE WHITE.

England in the Later Middle Ages. By KENNETH H. VICKERS, M.A., Professor of Modern History, University of Durham. [A History of England, edited by Charles Oman, vol. III.] (London: Methuen and Company. 1913. Pp. xv, 542.)

THIS volume shows careful reading and accurate scholarship; nearly every statement is based on the sources, references to which are given in foot-notes, sometimes five or six on a page.

There is a very full bibliography of the sources, but a few brief comments on the contents and value of these documents, or of some of them, would have increased the usefulness of the list, and, indeed, are due from a scholar to his readers. A well-constructed index and four very clear maps are added. Yet we must confess to a feeling of disappointment, due to the wholly inadequate treatment of the national life and spirit of the period, and the failure to trace the movement of the history along the more important lines of its progress. Such subjects as the Church, and ecclesiastical relations; the evolution of Parliament, its constitution and powers; the growth of the towns; the commercial and industrial life; the growing importance of the Commons in the financial, political, and social life of the nation; the variations of English feudalism; and the changes in the conception and powers of the monarchy, are wholly neglected, or very inadequately treated.

Professor Vickers seems to be under the old impression that accounts of kings and their wars tell the history of a nation. This brings about a lack of proportion which is one of the most serious defects of the book. For example, while about sixty pages are devoted to the twenty

years' reign of the weak and inefficient Edward II., only eighty are given to the thirty-five years of Edward I., and only a hundred to the fifty years of Edward III. Indeed, less than half the book is given to the first half of the period, which is pre-eminently the more important. Only the slightest reference is made to the Parliament of 1295, either in its logical relation to the Parliament of 1265 and to the earlier Parliaments of Edward I., or in its historical setting, after the uprising of the Scots, their alliance with the French, the consequent French war, and the revolts in Wales. These threatening dangers, and not merely financial difficulties, gave the real force to Edward's appeal to the patriotism and united support of all classes of his English subjects. The author treats of this and the *Confirmatio Chartarum* (which he calls simply, "a re-issue of Magna Carta"), with the consequent legislation, in a brief chapter entitled "Internal Complications—1279-1306"!

His comparison of Edward's Model Parliament with Philip's summoning of the "Estates General" (as he calls it), in 1302, shows his failure to realize the significance of Edward's work as the consummation of a steadily advancing policy carrying out what had been in process of development during the whole course of the century. He misses the true historical significance of the Parliament of 1295 and the *Confirmatio* of 1297, as the virtual re-enactment of the omitted articles 14 and 12, in the Great Charter of 1215. His view of the acquisition of power by the House of Commons is seen in his statement: "Unfortunately for the Kingdom the control of taxation was being captured by the House of Commons, which was quite ignorant of finance!"

The brief and misleading reference to Wycliffe's Bible would be made more accurate and definite, without requiring additional space, by saying that, although it could not be proved that Wycliffe himself translated more than the four Gospels, and perhaps the rest of the New Testament and part of the Apocrypha, yet, undoubtedly, the rest of the work was done by his followers under his inspiration and direction.

The story of Jeanne d'Arc, to which he devotes only four pages, lacks psychological and even historical appreciation, and consequently fails to explain her wonderful success.

Battles are vividly portrayed, but the dreary tale of the Hundred Years' War, especially in its later period, is drawn to a length out of all proportion to its historical or even military importance. Professor Vickers seems to be governed in his proportions by the amount of his material rather than by the importance of the subject. The psychology of the war and its moral results, however, are briefly though well summed up in the last two pages of chapter XXII.

In the treatment of the fifteenth century, long quotations from early English documents are introduced into the text in their original English. In most cases the literal form has no historical significance, and it would have been better to use modern English. There is, in general, an unfortunate arrangement of topics, which, with the frequent failure to

follow the chronological order of events, causes confusion and repetitions in many places; especially in the reigns of Richard II. and Henry VI.

There is also a vagueness and lack of definiteness of statement which is unnecessary and annoying. Opportunities are frequently missed where the addition of a word or two, or even a slight change in the phraseology, would bring out clearly an important fact in a concrete and definite form.

CHARLES L. WELLS.

Genesis of Lancaster or the Three Reigns of Edward II., Edward III., Richard II., 1307-1399. By Sir JAMES H. RAMSAY of Bamff, LL.D., Litt.D. In two volumes. (Oxford: The Clarendon Press. 1913. Pp. xxxi, 495; xv, 446.)

THE world of historical scholarship will heartily congratulate Sir James Ramsay upon the completion of the fifth and last installment of a work upon which he has been laboring for over forty years. "My grown-up children do not remember the time when it was not in progress", he writes, in a preface of pardonable pride, in which he views the past from the pinnacle of years. The same method, already made familiar in other volumes, is here adhered to—the aim to give a picture of the times, events, and people with special treatment of military matters, finance, and statistics, amply buttressed with references. Emphasis is laid upon the fact that the work is a general history, "because for internal affairs the *Constitutional History* of Bishop Stubbs stands alone". This dualism has caused a structural weakness throughout the work which Sir James's method has not overcome. For a *general* history of England during so important a period as the Hundred Years' War the work is quantitatively too brief, and qualitatively defective. In his implicit reliance upon Stubbs and older writers than he, the author is unaware of the progress made in English constitutional history in these latter years. It is painfully evident that Sir James Ramsay is not abreast of modern scholarship. The history of the war is almost wholly written from English sources. For the French end of it—with the exception of Froissart, one of the poorest of sources—use is made of secondary works, like Coville's volume in Lavissee's *Histoire de France*. But the main reliance is put upon Sismondi, Martin, Longman, Milman, and Kitchin! Cardinal works are unhonored and uncited, like Déprez's *Les Préliminaires de la Guerre de Cent Ans*; Moisant's *Le Prince Noir en Aquitaine*; Luce's *La Jacquerie* and *Du Guesclin*; Flammermont's notable article in the *Revue Historique* for 1879 upon the Jacquerie; Viard's studies upon the finances of the first Valois; Delachenal's *Le Règne de Charles V.*, besides many excellent articles in numerous French reviews. Even notable books or articles in English seem to be unknown, like Burrows's *The Family of Brocas of Beaure-*

paire and Roche Court—the best thing in English upon Edward III.'s policy in Guyenne; Miss Ferris's article on "The Financial Relations of the Knights Templars to the English Crown", in the *AMERICAN HISTORICAL REVIEW*, VIII. 1-17.

Sir James's treatment of things on the Continent is usually antiquated and superficial. The statement that the "centralizing policy and fiscal exactions of Philip IV. had destroyed the national life" seems an echo of Sismondi or the anti-monarchical school of historians of the early part of the nineteenth century. "His last hours", we are told, "were harassed by the uprising of a league of barons and burghers united in opposition to his tyranny." But Lehugeur—whose name is misprinted in a foot-note in volume I., page 140—specifically states in his book on *Philippe le Long* (I. 277) that these reactions were purely feudal and did not draw in either the clergy or the popular classes, and were looked upon with indifference even by the greater nobility (*cf.* Dufayard, "La Réaction Féodale sous les Fils de Phillippe le Bel", *Revue Historique*, LIV. 241-272; LV. 241-290). When the treatment of French matters is not narrow and antiquated it is often loose and inexact. Sir James does not know what a bastide is (I. 141); the account of the Black Prince in Guyenne shows slender knowledge of the nature and working of feudal institutions there; the estimate of Pedro the Cruel is based on the mendacity of his detractors, whereas in some ways Pedro was as enlightened a king as Charles V.; the sagacious policy of Charles V. leading up to the renewal of the war in 1369 takes no cognizance of his administrative reforms; there is no clear understanding of the intricacies involved in the last part of article I. of the treaty of Bretigni nor the meticulous course of the French king. Apparently Delisle's admirable *Mandements de Charles V.* (477-480, 561, 686) has not been examined. Even in military matters one doubts the author's judgments. A reading of Professor Tout's article on "Some Neglected Fights between Crecy and Poitiers", *Eng. Hist. Rev.*, XX. 726 (1905) would have illuminated some paragraphs.

Sir James Ramsay has ever been distinguished for his use of statistics. He justly claims in the matter of finance "to have done substantial work". The same virtue attaches to his treatment of the customs. He estimates the revenue of Edward I. to have been £95,000 a year "or upwards"; that of Edward III. £140,000. Statistical data for the Middle Ages are much richer for England than for France and Sir James has had long experience in handling English figures. I am not so sure of his accuracy, however, when it comes to the Continent. The only French statistics he examines are those touching the ransom of King John. He estimates the three million gold crowns imposed in 1360 at £500,000. In the preface we are told that he "continues his attacks on chroniclers' figures and still struggles to bring scholars and the general public to a better appreciation of their untrustworthiness". Now granting that medieval chroniclers usually exaggerate their figures,

it is to be noted that the sum of John's ransom is not a chronicler's statement but a black and white provision of a formal treaty of peace. I am sure in this case Sir James has much underestimated the amount of ransom. Cosneau (*Les Grands Traités de la Guerre de Cent Ans*, 1889, p. 47, note 4) figures the intrinsic value of the *écu d'or* at 13 fr. 25, which would make the ransom exceed £1,500,000 in modern money. Coville (in Lavissee, *Histoire de France*, IV. 1, p. 154) says the amount was "près de quarante millions de francs", a conclusion based upon M. de Wailly's exhaustive study of the variations of the livre made in 1857 and carefully revised by M. Prou. Moreover the calculations regarding details of the history of the ransom seem incorrect. It is assumed that all of the Visconti dowry of 600,000 *écus* went as partial payment. How does he know? Froissart (VI. 23-24) is vague. Villani (IX. 103) alleges that this sum was paid in two installments; Corio mentions a first payment of 100,000 and a second of 500,000. The first payment seems likely, for in Rymer it appears that the Black Prince in April, 1362, remitted 100,000 florins to his father. Under March 1, 1368, there is record of a receipt for 100,000 florins from Jean Galeazzo, but this may be a tardy receipt for the sum remitted in 1362. Knowing King John's extravagance and negligence of affairs of state as we do, and with the evidence as imperfect as it is, it seems to the reviewer that Sir James Ramsay has assumed much in order to balance his accounts.

Doubtless the calculations with reference to English matters leave less to conjecture, for the data are fuller and Sir James is an expert in English medieval statistics. But there is a doubt at the root of these. Nowhere do the volumes show a large comprehension of the economic revolution through which England went in the fourteenth century. To be sure the importance of the wool-trade in terms of figures, and the economic effects of the Black Death are briefly observed. But the great war, to the author, is purely one of ambition on Edward III.'s part—"a huge crime . . . the most unjust and mischievous war that ever was waged". There is no appreciation of the important commercial causes of the war; no perception of the fact that Edward was fighting to protect the wool-trade of England in its Flemish relations and the wine-trade of Guyenne from French aggression; that the fisheries were a factor in the struggle; that England's claim to the sovereignty of the sea and the growth of her marine were indispensable to this protection. How can customs and revenue statistics be understood save in the light of England's great commercial growth in the fourteenth century?

Even in the venerable subject of parliamentary advance Sir James is the dupe of the illusions of the old school of historians who wrote before Maitland, Vinogradoff, and Petit-Dutaillis. For example the statutes of *Provisors* and *Praemunire* are alluded to as things of "dread", and Blackstone (!) is cited in proof thereof. But recent research has shown that these statutes for years were more honored in the breach than in the observance. The author has been deceived by

following Stubbs too closely. The great illusion of Stubbs, as Petit-Dutaillis and Maitland have shown, was fetish-worship of the English constitution.

As a whole the second volume of the *Genesis of Lancaster*, which deals almost altogether with the domestic history of England to the fall of the Plantagenet house, is superior to the first. A large portion of it is taken up with the revolt of 1381 where Réville, Powell, Oman, and Trevelyan seem to be faithfully followed. But the reluctant judgment of the reviewer is that the work fails of being a completely trustworthy and "up-to-date" history of the period in question. The maps and press-work are excellent, but more careful proof-reading would have eliminated variant spellings, *e. g.*, Arragon and Aragon.

JAMES WESTFALL THOMPSON.

The History of the Grain Trade in France, 1400-1710. By ABBOTT PAYSON USHER, Ph.D. (Cambridge: Harvard University Press. 1913. Pp. xv, 405.)

THIS volume is in every way in keeping with the character of the series of which it is a part. It is thorough and scholarly, is based on minute and extensive research in the manuscript records and, while not always indicating as complete an assimilation of the material as might be wished, there is ample evidence that the author has a good grasp of his subject. This does not, however, prevent the book from being difficult and dry. Indeed the overcrowding of detail not infrequently destroys the interest by obscuring the place of the grain trade in the general conditions of the sixteenth and seventeenth centuries. There is not enough feeling for its relation to the life of France and of Europe during these centuries. On the other hand the work satisfies to an unusual degree an essential requirement of all monographs in that it is a thorough study of an important phase of a large and important subject, and is therefore a very material contribution to economic history. As the title indicates, the author limits himself to the movement of grain within France; a commendable departure from the over-ambitious aspirations of many writers in the field who like Araskhaniantz are misled into taking the foreign trade also, with the inevitable result of getting overwhelmed by the mass of material to be controlled. Similarly, by concluding with 1709, a degree of unity is secured which would inevitably have been sacrificed if the eighteenth century had been included. The story of the grain trade of that century is more dramatic, it is true, but it is also marked by changes and the operation of new forces, especially that of the physiocrats and their struggle for freedom of trade.

The work is divided into two parts. The first treats in separate chapters: markets and market organization; areas of highly localized markets and misery entailed through dearth of supply; the history of

the Parisian markets; the trade of the Rhone Valley, the producing areas of Burgundy, Languedoc, and Province, as it is reflected at Lyons.

The second part deals with the regulation of the grain trade in France by national and local authorities during three successive periods; from 1500 to 1660; from 1660 to 1683, or the years of Colbert, and from 1683 to 1709. By way of conclusion there is a chapter on theories and policies that brings out clearly the influence of the concepts of the time upon the material conditions. The chapter is entitled Conclusion, but a more descriptive and more adequate title might properly have been found. The critical apparatus which covers the last twenty pages of the volume is all that could be desired, including a table of French dry measures of the period, a glossary of administrative terms, a critical and descriptive study both of manuscript and printed sources, and an index.

From this summary of the content of the book, a number of facts appear. The actual areas in which Dr. Usher studied the grain trade with microscopic effort are those of Paris or the middle Seine basin and those of Lyons and the Rhone Valley. Accounts of other regions occur but it is in the two areas just mentioned that thorough investigating is done. For the other areas the author is content with a survey of the material, a phase of which appears in an illuminating map showing routes, grain-trade areas and their relation to the centres of population from 1660 to 1710. To the man accustomed to the centralized national state of to-day the most striking feature is the complete absence, in the movement of grain, of any national character. Royal edicts constantly assume this, reiterating the statements about the richness of France, but in actual life Dr. Usher shows how "the harmonious exchange of the blessings of heaven" did not exist. Instead it was blocked at every turn by provincial jealousies, the chicanery and opposition of officials, and inadequate means of communication within the realm. The problem throughout therefore is one of distribution within a local market area. Prices are determined neither by a world's demand as to-day, or for that matter by a national demand, but rather by the conditions prevailing in the local market systems. In times of shortage there was no relief and intense misery prevailed. Indeed during the later period a state of chronic distress was induced by the development of wholesale buying and storage for the supply of the cities.

That the author confined his detailed investigation to the records at Paris and Lyons is at first disappointing, but when one considers the mass of material, its dry and complicated character, it is evident that the plan adopted was calculated to afford more satisfactory and more scholarly results. Even as it is there is frequent evidence of a plethora of material too little digested, resulting, as in the case of the treatment of the *blatiers* (ch. I.), in frequent repetition of the same facts and ideas in slightly different form. By way of contrast to the over-emphasis here and there is the striking fact that price statistics are neglected and

the *Conseil de Commerce* though mentioned is apparently not thought of sufficient importance to receive further notice.

Cesare Borgia: a Biography. By WILLIAM HARRISON WOODWARD.
(London: Chapman and Hall. 1913. Pp. ix, 477.)

It is astonishing, in view of the extensive literature upon the Borgia family, that any one should feel encouraged to add thereto, and it is more astonishing still that the effort should lead to such a volume as the present, embodying results which unhesitatingly recommend themselves as worth the exacting labor. These results indeed are largely a matter of shades, for the historic figure of Cesare as well as those of Alexander and Lucrezia have been so closely studied within the last twenty years that they stand revealed to us in their essential lines, but the fact is certain that the reputation of the Borgias when living suffered extraordinarily at the hands of malicious gossips and when dead was inflated to mythological proportions by indignant moralists and lively rhetoricians. The professional student may feel some justifiable elation that the effect of each new scholarly attack upon the Borgia legend has been to pare down some excrescences and to that general rule the present book is no exception. The author is not a member of the honorable order of genial whitewashers but a diligent and sober investigator whose close attention to evidence coupled with the strict elimination of rumor has enabled him to tone down in some noticeable respects the received idea of the red-handed Borgias. It is for this reason that his achievement may be called an affair of shades, and this is the reason, too, why Cesare, without becoming white, loses much of that unrelieved blackness with which his qualities were inked in by earlier biographers. A human and intelligible Cesare—who does not welcome him in the place of the nursery bugaboo whose face has been distorted till it is no better than a carnival mask? Without pleading, by a cool and rather colorless presentation of evidence, Mr. Woodward has disposed of many charges which have been laid at the door of the Borgias: for instance, it will hardly be possible any longer to declare that Cesare murdered his brother Gandia, and the overworked tale that Alexander died and Cesare just failed to die from poison intended for another will have to vanish from the text-books that preach the corruption of the papacy. No crime that Cesare authentically committed is glossed over, and, I hurry to add, in order to forestall disappointment, the catalogue of misdeeds which remains is still impressive. And what is the upshot? Instead of committing murder from blood-lust or like a highwayman in order to strip a wretched victim of his shirt, Cesare emerges more clearly than ever as a really serious political figure who, guided by the rules of conduct dominant in the Italy of his day, fixed his eyes upon a goal and steadily marched toward it regardless of the objects heaped in his path. The political audacity and clear-sightedness, the military skill

and patience of Cesare appear in higher relief in this book than ever before with the single exception of the very first biography of the whole long list, incorporated in Macchiavelli's famous disquisition on the *Prince*. The Florentine's idealized portrait is cast in lines which tally amazingly with the sober draughtsmanship of the most recent scholar. Some misconceptions with regard to Alexander VI. also receive correction, as for example, the common charge that the pope became the sultan's ally and accommodately murdered the Turkish Prince Djem for a lump sum. Alexander's firm policy in the face of the invasion of 1494 has never been set in a better light, and the contention is on the whole capably sustained that his political degradation did not begin until he resigned the reins into the hands of his masterful son. In the matter of the great enterprise in the Romagna the author sustains the rather incredible thesis that Cesare might have succeeded if he had built on Spain instead of France.

As every writer has the defect of his qualities it will not occur to any one to look to Mr. Woodward for brilliant writing. His book, like good English beef, can be assimilated only by the aid of vigorous mastication. It includes an appendix of documents printed, most of them, for the first time and offers a bibliography which is a model of its kind. A sketch-plan of the old basilica of St. Peter together with the palace of the Vatican forms a valuable illustrative feature.

FERDINAND SCHEVILL.

The Reign of Henry VII. from Contemporary Sources. By A. F. POLLARD, M.A., Hon. Litt.D., Professor of English History, University of London. [University of London Historical Series, no. I.] In three volumes. (London, New York, Bombay, and Calcutta: Longmans, Green, and Company. 1913-1914. Pp. lxx, 332; 348; 344.)

WITH this work Professor Pollard makes a new departure in the method of publishing sources. His purpose is to collect within convenient compass a series of contemporary documents sufficient to give a fairly comprehensive view of Henry VII.'s reign; and he has in mind chiefly the needs of the undergraduate student (pp. v, vi). The result is a happy medium between the so-called source-books, which are too fragmentary; and the large collections of original materials, which are for the most part too great in bulk and unsystematic in arrangement for intelligent exploration by the average undergraduate; if indeed they be available for his use. The advantages of this system should appeal strongly to teachers who have experienced the difficulties of bringing undergraduate students into profitable contact with sources.

The extracts represent the most varied types of contemporary literature; a ballad finds place beside the minutes of the council of the city

of York, an inscription on a tomb beside a chronicler's narrative. Most of them, however, are taken from the standard historical collections such as those published under the direction of the Master of the Rolls and by the Camden and Selden societies, the *Paston Letters*, the *Rotuli Parliamentorum*, and Wilkins's *Concilia*. Ten of the selections are derived from manuscripts. One from the York House Books (vol. I., no. 33) is a letter from the Earl of Lincoln desiring aid from the city of York in behalf of Lambert Simnel styled Edward VI.; three more from the same source (vol. II., nos. 94, 95, 97) illustrate the working of local government, and a fifth (vol. III., no. 60) a conflict between municipal and ecclesiastical authorities. Two documents found in the Chancery Files at the Public Record Office (vol. III., nos. 48, 72) display the method employed to invoke the aid of the secular arm, while the Episcopal Registers of London supply an account of a case of heresy (vol. III., no. 83). The proclamation of Perkin Warbeck issued in July of 1497 (vol. I., no. 108) is printed from the Birch MSS. in the British Museum, and the confirmation by Henry IV. of Richard II.'s legitimization of the Beauforts (vol. II., no. 5), which contains the interpolated phrase "*excepta dignitate regali*" incorporated in the text, is extracted from the Patent Rolls.

Professor Pollard has very properly confined his editorial duties chiefly to the selection and arrangement of extracts. Printed texts have been accepted by him usually without collation, though he has frequently suggested emendations of the texts, corrections of dates, and identifications of persons. This last important part of the editorial function has been performed in a highly satisfactory manner. The reader of these volumes may feel confident that the documents placed before him have been chosen from the large mass of available material not only with scholarly judgment of their value but also with keen appreciation of their human interest. Their arrangement moreover is admirable. It enables the reader to pick out illustrative material on any aspect of Henry's reign or to secure a fairly connected view of the whole period. Certain minor editorial duties, however, appear to have been somewhat neglected. A partial comparison of the extracts in these volumes with the original texts reveals a large number of slight variations. Most of them occur in the English documents which are "reprinted in the spelling of the editions from which they are taken" (p. xii). The reviewer is disposed to question the advisability of retaining this antiquated spelling in a work intended for such a circle of readers, but if it is to be preserved, certainly the typographical work should be watched with exceptional care. Many of these deviations are of small moment to the historical student, who will not be misled by the variation of "seid" for said (II. 88), "earl" for erle (I. 11), "sarjent" for serjant (I. 64), and others similar; some are apparently Professor Pollard's unindicated emendations, such as "bastarddis" for hastarddis (I. 73), "treasons" for reasons (I. 109), and "mervelously" for memvelously (II. 5); but

some change or obscure the sense of the original, *e. g.*, "faine" for laine (I. 13); "reteine" for receive (I. 26); "punysh" for peuysh (I. 191); "toward" for to warde (I. 313); "order" for oder (II. 140); "Richard undermayour" for "Richard Unde mayour" (II. 185); "willpacker" for wull packer (II. 278). Occasional lapses are evident also in the citation of titles. Davies's *Extracts from the Municipal Records of the City of York* is concealed as Davis's *York Records* (I. 9); in two instances reference is made by page only to a work of several volumes; and sometimes—though unfrequently—titles are so abbreviated as to be obscure. Others than undergraduates might waste time before locating a reference to *Letters and Papers* only (I. 1).

By no means least in value is the survey of the reign given in the introduction to the first volume. This is a masterly sketch which catches the spirit of the reign in a stimulating and suggestive fashion worthy of Professor Pollard's brilliant pen. The section on Constitutional Aspects of the Reign contains the best account of the organization of Parliament in Henry VII.'s reign known to the reviewer.

W. E. LUNT.

Un Ami de Machiavel, François Vettori: sa Vie et ses Oeuvres.
Par M. LOUIS PASSY. In two volumes. (Paris: Plon-Nourrit et Cie. 1913. Pp. 474; 393.)

THE author of this book, a member of the Institute, has been long in the Chamber of Deputies of which his eighty-four years make him the *doyen*. During that long life spent in the public service and the practice of law, he has written several volumes of a character very different from the present work: *Mémoires et Notes pour servir à l'Histoire du Département de l'Eure*; *La Forêt de Lyons: Histoire Administrative*, etc. But the writing of this work is the accomplishment of a long-cherished plan. In 1856, when the author made his first voyage to Italy, his father put into his trunk a book containing two treatises of Francesco Vettori, suggesting that he should in his leisure moments translate them into French. He was led by this to look into the archives of Florence for other manuscripts of Vettori and for fifty-seven years has not ceased to be interested in the history of Florence and everything relating to his contemporaries Machiavelli and Guicciardini. The desire of youth, to write something on Vettori, has never been put into practice and never abandoned during a busy life and now, in the autumn of his days, M. Passy is able to carry out this dream of spring.

The work consists of two volumes. The second contains French translations of works of Vettori which have been published in the original elsewhere. For this volume M. Passy has had the help of M. Léon Dorez, who has translated these documents.

The first volume consists of a biography of Vettori based on publication. HIST. REV., VOL. XIX.—57.

lished original documents. M. Passy has been "pained" for long years to see Vettori "left in the shadow, sacrificed to the glory of Machiavelli and the fame of Guicciardini". In this most sympathetic and careful biography M. Passy has drawn Vettori from the shadow. He has thrown the life of his hero against the background of those episodes in the history of Florence and of Italy in which Vettori took part, illustrating it by letters and following it with critical judgments, in an easy and agreeable style, and with a pleasant and contagious enthusiasm. He throws into relief Vettori's intimacy with Piero Strozzi and Lorenzo de' Medici, the father of Catherine. He brings out his friendship for Machiavelli, who wrote, "In the midst of all my happiness nothing has ever pleased me as much as your conversation, because I always borrowed something from it."

He believes him devoted to the cause of the Medici out of sincere friendship and the love of Florence because he thought their rule would give her the best chance of ordered government. He finds him neither better nor worse than Guicciardini and Machiavelli but like them indifferent in regard to the means by which he brought about the peace of Florence.

That Vettori spent his best thought and vigor in helping to bring Florence under the dominion of the later Medici without putting before them any ideal like that which Machiavelli showed Lorenzo in the last chapter of *The Prince*, seems to M. Passy negligible in his final judgment, "For it is not entirely the fault of Vettori if, by the force of events, he was drawn toward the end of his life, under the patronage of the degenerate Medici, into the establishment of the Duchy—into the government of Alexander and Cosimo de Medici".

Whether the writings of Vettori translated and commented on in these volumes show him to be the equal of Machiavelli with the pen—whether his dominant motive was an unselfish love of Florence—these are matters of taste and judgment on which reasonable men may differ, but all reasonable men who love Florentine history will be grateful to M. Passy for his life of Vettori.

PAUL VAN DYKE.

Anglo-Roman Relations, 1558-1565. By C. G. BAYNE, C.S.I. [Oxford Historical and Literary Studies, issued under the Direction of C. H. Firth and Walter Raleigh, Professors of Modern History and English Literature in the University of Oxford, vol. II.] (Oxford: The Clarendon Press. 1913. Pp. 335.)

THE efforts of Popes Paul IV. and Pius IV. to retain, and, after losing it, to regain the Church of England for the Roman Communion have hitherto received only passing notice from historians. And yet a correct understanding of those efforts and the causes of their failure is indispensable to a full comprehension of that bewildering confusion

of contradictory policies, both religious and political, which marks the first decade of the reign of Elizabeth. The present book will go far towards diminishing the obscurity which has hitherto hung over this traditionally difficult topic. The author has already made a name for himself in the early Elizabethan field;¹ his foot-notes indicate a wide acquaintance with the literature of his subject; a most valuable appendix of sixty-eight carefully selected documents from the archives of England, Spain, France, Belgium, and Austria, the large majority of which have never been printed before, shows that his work rests for the most part on the sources. The persons and scenes which go to make up the story shift with such amazing rapidity and subtlety as to defy any adequate summary within the limits of a brief review. We can only pause to notice a few points of special interest.

Perhaps the fact of outstanding importance is that throughout the period covered "the net result of Philip II.'s policy was to make him the best friend of the English Reformation" (pp. 224-225). His dread of France and his need of Elizabeth's good-will—especially in view of the critical situation in the Netherlands—led him again and again to obstruct papal programmes of active hostility against England. In this connection we would suggest that the most probable explanation of the fact (which Mr. Bayne calls one of the "mysteries of history", p. 39) that Paul IV. threatened the Catholic Charles V. and even Cardinal Pole, and yet at first moved no finger against the Protestant Elizabeth, lies in that fiery pontiff's bitter detestation of the House of Hapsburg. The fact that Mary Tudor was the wife of Philip II. and Pole the servant of both, blinded him to their loyalty to the Church: while Elizabeth, though unorthodox, was at least free from Austrian contamination. In view of the recent emphasis which has been laid on the extreme Protestantism of Leicester and the conservatism of Burghley at a later date,² it is interesting to notice how in this period the rôles are reversed. In Burghley's eyes the pope was Antichrist, "the sworn foe of all good Englishmen" (p. 225). The queen's chief minister showed "sympathies entirely on the side of reform", while Leicester (p. 85) planned to buy Philip's support in his suit for the hand of Elizabeth by promising that, if he were successful, he would bring England back to communion with Rome. Indeed at one time, in consequence of the queen's weakness for Leicester, the policy of England seemed likely "to shoot madly from its sphere". But in the end discretion triumphed over love. Leicester was rejected; Martinengo, the papal nuncio, was refused admittance to the realm; the crisis was passed, and from that time onward Elizabeth moved steadily along a path which diverged further and further from the road to Rome.

Limitations of space forbid the consideration of other interesting

¹ Cf. *English Historical Review*, XXIII. 455-476, 643-682 (1908).

² Cf. C. Read, "Walsingham and Burghley in Queen Elizabeth's Privy Council", *Eng. Hist. Rev.*, XXVIII. 34-58 (1913).

and significant passages in Mr. Bayne's book. There is much to applaud and little to criticize. We are unable to understand why the author constantly refers to Philip II. as "the eldest son of the church" (*e. g.*, pp. 120, 123). There is an unfortunate misprint in the foot-note to page 45. One closes the book with a feeling that there is grave danger of underestimating the importance of political considerations in determining religious policies, even in the period of the Counter Reformation at its height.

ROGER B. MERRIMAN.

The Rise and Fall of the High Commission. By ROLAND G. USHER, Ph.D., Associate Professor of History, Washington University, St. Louis. (Oxford: The Clarendon Press. 1913. Pp. 380.)

PROFESSOR USHER has done a careful and needed piece of work in this volume. The High Commission is so foreign in its nature to modern ideas of legal procedure, and ended its career in such execration, that an examination as to its real nature and method of procedure was eminently fitting. The task is the more difficult because of the extensive disappearance of its records, destroyed, the author believes, though definite proof is lacking, in connection with its abolition by the Long Parliament.

Professor Usher makes it evident that the High Commission was a gradual growth rather than a creation of a definite statute. The great changes wrought by the abolition of the Roman jurisdiction and the assertion of the royal supremacy led to the exercise of that supremacy in ecclesiastical matters by royal commissions at first of a more or less temporary character and with extensive and most broadly defined powers of a visitatorial nature. Henry VIII. so used Cromwell, who in turn employed subcommissioners. Edward VI. and Mary employed them, and Elizabeth simply continued the existing practice. "In the history of these commissions, there was no important change at either the year 1559, when the statute of 1 Elizabeth, c. 1, was passed, nor in 1565, when the Elizabethan religious settlement became firmly established." The High Commission was not "created" in 1559.

Gradually, however, the temporary and visitatorial character of the commission became transformed into permanency and prevailingly judicial authority, though both visitatorial and judicial aspects continued long intermingled. The practical evolution of the High Commission into predominantly a court of law, the author would view as accomplished by about 1580. As a court, it was marked by a number of unlikenesses to common-law tribunals. The presumption of guilt was against the accused. Subject to fine and imprisonment for refusal, he had to take oath *ex officio* to answer truthfully before being informed of the accusation. No jury was, of course, in use, and the nature of proof was undefined. The basis for the existence of such a court was

the royal supremacy; and it naturally aroused the hostility not only of those who felt its power like the Puritans and Roman Catholics, but of the judges of the common law, who looked upon the Law and not the royal will as the ultimate fountain of justice. The author gives a careful account of the attack of these common-law judges, especially of Sir Edward Coke, upon the High Commission. It survived, however, and though somewhat curtailed in the range of its jurisdiction, was so increased in membership, and was therefore so enabled to carry on its work in various parts of the kingdom that it was never more active than in its last days, especially under Archbishop Laud.

The author brings no little evidence to show that the High Commission was, on the whole, popular with litigants, was quite as prompt as any court of the kingdom, and was no more severe than the common-law courts, if as rigorous as they. Granted that Puritan and Roman Catholic nonconformists were to be suppressed, it did its work, as a whole, with no greater harshness than other agencies would have done; and these suppressions were only a fraction of its business. Yet, the author points out, while there was no essential change in procedure, the increase and extension of its activity in its last years could but intensify Puritan hostility to it, and that, combined with the deep-rooted antipathy of the supporters of the sole jurisdiction of the common-law courts, swept it out of existence in 1641.

The author has discussed his difficult theme impartially and his judgments seem warranted by the evidence which he is able to present.

WILLISTON WALKER.

A History of England from the Defeat of the Armada to the Death of Elizabeth. With an Account of English Institutions during the later Sixteenth and the Early Seventeenth Centuries. By EDWARD P. CHEYNEY, Professor of European History, University of Pennsylvania. Volume I. (New York, London, Bombay, and Calcutta: Longmans, Green, and Company. 1914. Pp. x, 560.)

It is both difficult and tantalizing to review the first installment of any two-volume work, without having any opportunity to become acquainted with the contents of the second. This is, of course, particularly true when the arrangement of the work in question is topical rather than chronological; and it is perhaps truest of all when the book deals with such a period as the last fifteen years of the reign of Queen Elizabeth. For so complex and intricate are the events, so numerous and versatile the actors, so bewilderingly various the currents and cross-currents of religious and political opinion, that one hesitates long before pronouncing judgment on any isolated portion of a work which is concerned with this field. One needs to see the whole book before reaching a verdict, for that verdict, in the last analysis, must be pri-

marily based on the reviewer's opinion of the author's selection of the topics to be treated, and of the relative importance he has assigned to each.

There can be no doubt of the attractiveness of the period that Professor Cheyney has chosen, or of the need for a solid and substantial work upon it. It has been for the last two or three decades one of the notoriously "unwritten" periods of modern English history, comparable, in this respect, to the reign of Charles II. Froude stops in 1588; Gardiner begins in 1603; the intervening gap has furnished abundant material for the specialist and writer of monographs; but it has never before been treated as a whole on a scale approaching that of the present work. Professor Cheyney has certainly had a splendid opportunity, and he has made admirable use of it.

The volume which lies before us falls into four parts, entitled respectively, Royal Administration, Military Affairs, 1588-1595, Exploration and Commerce, 1551-1603, and Violence on the Sea. The first comprises eight chapters—four of which give an admirable picture of the queen, her chief councillors, her courtiers, and her household, while the rest consist of careful and scholarly descriptions of the Privy Council, Star Chamber, and central courts. There can be no question of the solidity and thoroughness of the work on which these pages rest; and the majority of Professor Cheyney's readers will doubtless be grateful for the fact that the emphasis is laid rather on the actual workings of the institutions described than on the more thorny topics of origin, constitutionality, and development. One would have welcomed a few words on the evolution of the Court of Exchequer Chamber during this period, but possibly this topic has been reserved (as Parliament and Local Administration obviously have been) for consideration in the second volume.

Part II., on Military Affairs, tells of the expedition against Portugal in 1589, and the ensuing campaigns in Brittany, Normandy, and the Netherlands down to the year 1595. The story is told simply, straightforwardly, but with great wealth of detail. The chapter on the Portuguese expedition is one of the best in the whole book; the subject has not been treated before with the fullness which it deserves. Professor Cheyney shows conclusively that Elizabeth's aversion to open aggressive warfare persisted long after the year of the Armada, when she is supposed, by many authors, to have been converted to the bolder views of the mass of the people. Indeed the failure of the expedition of 1589 may be principally ascribed to the halting policy of the queen, "who refused to let her soldiers and sailors have artillery, who stinted them of food, who gave them unwise and ambiguous instructions, who subjected them to carping criticism, who cared more that Essex was out of her sight than that 15,000 of her subjects and their commanders were sailing away to destroy a fleet and capture a kingdom with only two weeks' supplies aboard". The Muscovy and Eastland companies, the Mediter-

anean, African, and East Indian trade, and the early colonizing expeditions to the coast of North America are the chief topics considered in part III., while the long, dragging, semi-piratical naval conflict with Spain, not yet acknowledged by either side to be the equivalent of a regular condition of war, which grew out of these early ventures of English merchants and seamen, forms the subject of part IV. Professor Cheyney has ransacked the pages of Hakluyt, of the Spanish and Colonial *Calendars*, and of the *Acts of the Privy Council* for fresh information, and his conclusions are supported by a formidable array of French and German monographs and articles in learned periodicals. He traces, carefully and convincingly, the processes by which there was gradually and informally evolved "a certain kind of external dominion" based primarily on trade, "a forerunner of the empire whose foundations were to be laid by conquest and colonization during the next century". Spain's recent annexation of Portugal made her a bar to English expansion to the East as well as to the westward; the death struggle between the two nations, probably ultimately inevitable any way, because of internal affairs and the situation in the Netherlands, was rendered certain and immediate by this clash of empires. But it was eminently characteristic both of Philip and Elizabeth, that they would not face the facts, acknowledge that war had come, or make any decisive effort that would lead to a culmination of the struggle or compel a settlement. The policy of "watchful waiting" has had distinguished advocates in the past.

The prevailing impression created by the present volume is that of the best kind of soundness and historical honesty. Professor Cheyney has discovered nothing startlingly new; his style is not dramatic; he does not "work in colors". But it is perfectly obvious that he knows the printed sources (with the possible exception of a few of the Spanish ones) down to the ground, that he has mastered the secondary authorities of the period, and that he has made good use, particularly in the earlier part of his book, of manuscript material. Every statement is well backed up; there is no bluffing, and no bias. One might be tempted to characterize the book as solid rather than brilliant, save that such a verdict might possibly connote dullness, which would be quite unfair; on the contrary, it is distinctly interesting, and holds the reader's attention. There are some minor errors and inconsistencies of nomenclature, particularly in the index; but they can easily be corrected in a second edition, and it would profit nothing to enumerate them here. American historical scholarship has every reason to be proud of Professor Cheyney's work, which bids fair to remain for a long time the standard book on the period with which it deals.

ROGER B. MERRIMAN.

Elizabethan Rogues and Vagabonds. By FRANK AYDELOTTE, B.Litt. [Oxford Historical and Literary Studies, issued under the Direction of C. H. Firth and Walter Raleigh, Professors of Modern History and English Literature in the University of Oxford, vol. I.] (Oxford: The Clarendon Press. 1913. Pp. xii, 187.)

THIS monograph by a former Rhodes scholar shows an intimate understanding of an Oxford way of thinking. Its author has caught that tradition which associates history with literature and interprets each by the aid of the other.

Mr. Aydelotte discusses the origins of sixteenth-century vagabondage, describes the art of begging and classifies the members of that profession, analyzes the several acts against vagrancy and points out their effects, treats not unsympathetically the art of conny-catching, goes over the statutes passed against the conny-catcher, and lastly attempts a survey of the noteworthy rogue pamphlets. The survey is limited. He discusses the *Manifest Detection*, Awdley's *Fraternity of Vacabondes*, Harman's *Caveat for Common Cursetors*, Robert Greene's several discoveries of conny-catching, and six or seven other less notable pamphlets that followed in their wake. From this literature of roguery and from a great variety of historical sources—it is hard to think of anything essential that he has overlooked—as well as from a wide range of dramatists he has put together the first description at all complete of Elizabethan roguery. His main thesis, that the Elizabethan rogue pamphlets were not a revamping of Continental lore, but were real pictures of terrible social conditions in England, he proves up to the hilt. The suggestion is not new. It was offered a good while ago by such editors as Grosart, though Chandler's recent *Literature of Roguery* has perhaps tended to obscure it. Mr. Aydelotte has not only made historical the existence of a well-organized and stratified rogue society, he has shown more clearly than before the beneficial effects of the Elizabethan legislation against vagrancy, and he has turned a new sidelight on that bureau of efficiency, the Tudor Privy Council. Two criticisms may be ventured. He has overemphasized the increase of vagrancy under the Tudors, and he should have told us something about the passage of the statutes against vagabondage. The facts, for example, as to the progress through Parliament of the statute of 1572 and as to the personnel involved are matters neither hard to get at nor uninteresting.

In regard to literary origins and relationships Mr. Aydelotte has done something new, in spite of the fact that Grosart, Furnivall, Halliwell-Phillips, and Viles—not to mention Chandler—have threshed the straw pretty thoroughly. Very neatly he has proved that Samuel Rid rather than Samuel Rowlands was the author of *Martin Mark-all*, *Beadle of Bridewell*. He has made a new suggestion as to Dekker's part in *Lanthorne and Cendlelight*. He has dug out of Greene's *Second Part*

of *Conny-Catching* a possible clue to the authorship of the *Defense of Conny-Catching*. Why he ignores Grosart's suggestion (Greene, *Works*, I. 131), which seems to fit in well with his own, it is hard for an outsider to see. One may ask too, why has Ben Jonson's *Alchemist* been so nearly ignored, or for that matter his *Bartholomew Fair*. Is not Doll a "shee-conny-catcher", Subtle a "hee-conny-catcher", and Face a "verser"? And has not Hathaway in his critical edition of the *Alchemist* given just that historical background to the conny-catchers in alchemy, which Mr. Aydelotte is giving to others? A further question, hesitantly. May not Reginald Scot have owed something of his impulsion to Harman? He must have known the *Caveat*. He went at things in a way not unlike.

Mr. Aydelotte has written an excellent monograph. He has made brilliant use of his materials. He has done more: he has caught the deeper significances of his subject. Moreover he handles with ease and lightness what may be called the English of Oxford.

WALLACE NOTESTEIN.

The House of Lords in the Reign of William III. By A. S. TURBERVILLE. [Oxford Historical and Literary Studies, issued under the Direction of C. H. Firth and Walter Raleigh, Professors of Modern History and English Literature in the University of Oxford, vol. III.] (Oxford: The Clarendon Press. 1913. Pp. vi, 264.)

THE structure and the development of English government have been the subject of an immense literature, but relatively some parts of the subject have been neglected. Anglo-Saxon organization, the beginnings of English law, the rise of Parliament, and the history of the House of Commons have been dealt with specially and at length. On the other hand the history of the executive and of the departments in the seventeenth and eighteenth centuries has been scantily dealt with, and comparatively little has been written about the House of Lords. Since the *Reports on the Dignity of a Peer*, published 1820-1829, the number of authoritative works includes scarcely more than Pike's *Constitutional History of the House of Lords* (1894) and Professor Firth's *House of Lords during the Civil War* (1910). An exhaustive account of some part of the subject, therefore, may be cordially welcomed.

The author's study is made at first hand from the sources. The basis must necessarily be the official records of the house supplemented by the scanty debates yielded by various *Collections* or which patient research discovers at wide random. In this particular period, however, the author is able to supplement the *Lords Journals* with the ampler and far more interesting "Minutes", which as *Manuscripts of the House of Lords* have been published by the Historical Manuscripts Commission down to 1693, and independently through the year 1702. It is this

material, thoroughly examined, which enables the author to make his distinctive contribution. In addition, abundant use has been made of correspondence and contemporary writings, although it is the opinion of the reviewer that something more might have been obtained from the pamphlets and that a little would have been found in the State Papers Domestic and in the miscellaneous manuscripts of the period. It may be observed that the author has confined himself almost entirely to the use of printed sources.

The first chapters describe the membership of the house, and also the social position of the peerage, the parliamentary privileges of the members, and their procedure when acting as a high court. The remainder, the larger part of the volume, deals with the influence of the Lords in the "Aristocratic Revolution", the "Interregnum", and the "Settlement", and then details the principal measures with regard to which they took action. Here the author's account is narrative rather than synthetic, and becomes more of an excellent commentary upon important political events than a work upon constitutional development. Such matters as the relations of Lords and Commons, the relations of Lords with king and ministry and cabinet, the participation of Parliament in foreign affairs, the relative importance and initiative of Lords and Commons with regard to legislation, all of these things are dealt with, sometimes with apparent fullness, but usually the treatment is inadequate as compared with what the author has previously written upon tenure and privilege, and sometimes they have to be deduced by the reader himself. On the other hand it is precisely because of this method that there is such an admirable account of the dominant part taken by the peers in the Revolution of 1688, of the work of the Tories in procuring the Act of Settlement and the Hanoverian Succession, and of the solidarity of the Lords, which for this period makes necessary, as he suggests, a study of the relations between the two houses rather than the relations of Whigs and Tories. A serviceable bibliography and an adequate index bring the volume to a close.

The book is free from errors: though it is not true that the temporal peers became the preponderant power because the higher clergy began to meet in convocation (p. 1), nor is it well to speak of the end of the seventeenth century as "the days of a feudal aristocracy" (p. 177). I have noticed only one misprint ("Auchitell" should be Anchitell, p. 94, note 1). The method in chapter III. is probably less good than the author intended; in the references there is not invariable uniformity. Although there are in the composition not a few such expressions as are wont to arouse in the author's countrymen wondering scorn and patronage when they are reviewing that which is written outside of their country, the book is generally readable, and the writing improves decidedly in vigor and clearness as the narrative proceeds. Altogether the volume is a contribution to the subject, and a worthy number of the series in which it stands.

EDWARD RAYMOND TURNER.

A History of Education in Modern Times. By FRANK PIERREPONT GRAVES, Ph.D., Professor of the History of Education, University of Pennsylvania. (New York: The Macmillan Company. 1913. Pp. xv, 410.)

THIS volume is the third in a series of texts by Professor Graves on the general history of education from ancient times to the present. There are twelve chapters, of which three are devoted to American education, though space is given in other chapters to an attempt to show what influence educational movements in the Old World have had on our own history. Some notion of the content and plan of the book may be had from the titles of the chapters. As in most books on the history of education, much attention is given to the writings of educational theorists and reformers and their successors. Chapter II. is on Naturalism in Education, and is to a large extent a discussion of Rousseau's educational philosophy with an attempt to trace its influence on modern education. Similarly chapter V. is devoted to Pestalozzi, with the title, Observation and Industrial Training in Education, and chapter VII., called Development of Modern Educational Practice, to Froebel and Herbart. Other chapters trace certain general movements. Thus, chapter III. is entitled Philanthropy in Education—an account of the rise of charity schools in Great Britain and America. Chapters IV., VI., and VIII. are on the rise of the common school in America, chapter IX. is on the Development of Modern School Systems, particularly in Germany, France, and England, and Canada, while chapters XI. and XII. are on present-day tendencies and the educational outlook.

It is evident that we have in this book a series of essays, often without very much connection, with the space given up to a discussion of theories of education, their practical application, and brief accounts of educational systems in half a dozen countries. There is a disposition to force connections between the educational movements of the Old World and America, *e. g.*, the supposed influence of Rousseau (p. 25), while there is less appreciation of those movements in our own country which were indigenous. The account of the rise of the common school in America and of the educational systems developed by the various states is inadequate, while the factors which account for movements and the interrelations of social, economic, and religious with educational history are barely mentioned. Space forbids a detailed criticism. There are important omissions in this account of modern education, especially the academy movement in the United States, the rise of the small college, private efforts towards education, higher and special educational institutions. At best it is a text-book based in large part on secondary accounts, and adds practically nothing new to our knowledge of the subject. If the bibliographies were more specific with definite references to authorities it would be more useful as a text-book. The main fault however is in the method and content of the book. Histories

of this type bear somewhat the same relation to the history of education proper, as the history of economic theory bears to economic history. However if one wishes to know some of the more general movements and theories influencing the development of education in modern Europe, Great Britain, and America, this book will be a useful one to consult.

MARCUS W. JERNEGAN.

Les Sources de l'Histoire de France, XVII^e Siècle (1610-1715).

Par ÉMILE BOURGEOIS, Professeur à l'Université de Paris, et LOUIS ANDRÉ, Docteur ès Lettres, Professeur au Lycée Louis-le-Grand. Tome I. *Géographie et Histoires Générales*. Tome II. *Mémoires et Lettres*. [Manuels de Bibliographie Historique.] (Paris: Auguste Picard. 1913. Pp. xviii, 328; xii, 411.)

THE admirable bibliography, as scholarly as it is useful, which Molinier prepared on medieval France and which Hauser is continuing for the period 1494-1610, is now carried forward into the seventeenth century by two volumes from the equally able hand of Professor Bourgeois, assisted by Louis André. The plan of treatment, however, is somewhat altered. In the years from 1610 to 1715 France played such a leading part in the world, drawing wonder, envy, praise, and hate from so many foreign writers, that M. Bourgeois has felt compelled to abandon the practice of Molinier and Hauser of including "sources étrangères"—except in a few of the most important cases such as the relations of the Venetian ambassadors and of the Great Elector's agent, Spanheim. He considers only sources of French origin, but, even so, the mass of material is enormous. As his classification of this material differs from that of Molinier and Hauser, and is also quite different from that of German bibliographies and of the new bibliography which is being prepared on English history during somewhat the same period, it may be interesting to give it in outline, as follows: (1) geographical introduction, comprising (a) maps, (b) geographical treatises, descriptions of antiquarians, guides for travellers, and other seventeenth-century precursors of modern Baedekers, and (c) voyages of discovery in the Old and New Worlds; (2) general histories written by Frenchmen in the seventeenth century; (3) memoirs; (4) letters and diaries; (5) biographies and funeral orations; (6) newspaper prints, polemics, pamphlets, and brochures; (7) political and military history; (8) religious history; (9) administrative history; (10) provincial and local history. Since France achieved a singular unity and continuity of development from 1610 to 1715 M. Bourgeois was wise in deciding to treat each of these ten divisions as a unit through the whole period, instead of splitting them up into chronological subdivisions as was done by Molinier and Hauser. The two volumes under review include 1294 entry numbers and cover the first four divisions in the classification noted above.

This bibliography is no mere dry compilation of innumerable titles. With the charm of style characteristic of the French and with the true historian's sense of historical development and evolution, M. Bourgeois and his disciple discuss ably the authorship, dates, editions, peculiarities, and historical value (or lack of it) of the various sources taken up in these volumes. They give some idea of how cartography became a science in France in the seventeenth century. They trace the evolution of the "general history" from the literary imitators of Livy, like Mézeray, through the searchers after documents, the critical investigators, and the historical moralists, to the brilliant genius of Voltaire. They analyze the character and value of the almost innumerable memoirs and letters of an age famous for writers like St. Simon and Madame de Sévigné. They indicate cases where the edition is so unsatisfactory that the original manuscript ought to be consulted, and they show how one edition may often supplement another. Their careful specification of editions, good and bad, makes their bibliography of great service to the purchasing librarian as well as to the investigating historian. Their judgments appear to be eminently sound and not without occasional flashes of humor.

The bibliography of the maps is not quite complete; for in addition to those mentioned by the authors there are at least eighteen others whose titles cannot find space here, but which are preserved, ten in the Boston Public Library, six in the library of Harvard University, and two in the Library of Congress. In the division devoted to "letters" the authors have overlooked the valuable *Urkunden und Aktenstücke zur Geschichte des Kurfürsten Friedrich Wilhelm von Brandenburg*; these twenty volumes contain a very large number of letters by Louis XIV., Lionne, De Lumbres, Wicquefort, Blondel, Colbert de Croissy, Rébenac, and other Frenchmen.

Of special interest to students of American history are the fifty-four numbers, beginning with Champlain and ending with Grandpierre, which are devoted to descriptive "voyages en Amérique", and the thirty numbers which discuss seventeenth-century maps relating to America. Recent literature is cited in connection with the more important maps and voyages. Reference is made to some English translations and editions, but not to those of the Prince Society nor to such an excellent and convenient one as W. L. Grant's *Champlain*. It is also a singular omission that no mention is made of Winsor's *Cartier to Frontenac* and of the invaluable bibliographical notes in his *Narrative and Critical History*.

SIDNEY B. FAY.

Hungary's Fight for National Existence or the History of the Great Uprising led by Francis Rákóczi II., 1703-1711. By LADISLAS BARON HENGELMÜLLER. (London: Macmillan and Company. 1913. Pp. vii, 342.)

FRANCIS RÁKÓCZI II., the brave, chivalrous, and unfortunate leader in the last Hungarian struggle for independence before 1848, has long held a place in the affections of his countrymen second only to Louis Kossuth. His life and times have formed a favorite subject for the researches of Magyar scholars. The late M. Coloman Thaly, perhaps the most popular of recent Hungarian historians, devoted nearly half a century to digging up from the archives a mass of memoirs, journals, letters, pamphlets, and diplomatic documents illustrating the Rákóczi epoch, publishing the great collection called the *Archivum Rakoczianum*, and writing numerous monographs on that heroic age. A few years ago M. Alexander Márki produced a monumental life of the patriot leader, which was crowned by the Historical Society of Budapest, and will probably long remain the classic work on the subject in Hungarian (*II. Rákóczi Ferencz*, 3 vols., Budapest, 1907, 1910). But this wealth of historical material has remained—for linguistic reasons—virtually sealed to the Western public, while in Western languages no adequate biography of Rákóczi had hitherto appeared. Struck by this fact, Baron Hengelmüller has happily conceived the idea of “narrating to Anglo-Saxon readers who Rákóczi was, what he really did, and why in spite of his struggle ending in defeat, his memory is cherished by his nation”. The distinguished author is specially fitted for such a task; for he unites the wide and accurate knowledge of a scholar, the experience of men and affairs gained by many years of diplomatic service, and a deep understanding of the public to which he addresses himself, acquired by a residence of over thirty years in England and the United States. And were anything lacking to commend his book, it would be supplied by the prefaces by Viscount Bryce and Mr. Theodore Roosevelt.

Baron Hengelmüller writes on the basis of original researches in the archives of Vienna, Paris, and London, with due regard to the already copious publications of sources and the standard secondary works in Hungarian. The present volume follows the insurrection on its upward course—to the rupture of the negotiations for peace in 1706. The second volume is to carry the narrative down to the end of the struggle at the peace of Szathmar in 1711. It would be difficult here to do justice to the many excellences of this admirably written and thoroughly interesting book. Without exaggerating the rôle of his hero, the author has brought out the significance of Rákóczi's movement in reviving Hungarian patriotism and self-reliance and saving, if not the independence, at least the existence of the nation. Without magnifying the importance of Hungary in the European political system, he has set in clear light the connection between the Hungarian up-

rising and the War of the Spanish Succession, a connection which makes a study of the Rákóczi movement indispensable to all who would understand the European politics of that momentous period. What is, perhaps, most remarkable in this book is the fairness and breadth of sympathy with which the author has treated a subject, every phase of which has given rise to passionate controversy. A patriotic Hungarian who is able to recognize the shortcomings of his national heroes, to understand the point of view of the Hapsburgs, and to do justice to Ferdinand II., Leopold I., and even Cardinal Kollonics, represents a type not too common on either side of the Leitha. Every lover of the Dual Monarchy must wish to see the history of the chequered relations between Austria and Hungary treated always in the same liberal, wise, and generous spirit.

R. H. LORD.

William Augustus Duke of Cumberland: his Early Life and Times (1721-1748). By EVAN CHARTERIS, Fellow of the Royal Historical Society. (New York: Longmans, Green, and Company. 1913. Pp. xi, 376.)

TORSOS are always a bit unsatisfying, and it is open to question whether the Duke of Cumberland's portrait is worth the artistic and elaborate frame which has been constructed for it. Otherwise, it would be difficult to pass any adverse criticism on this admirable book. The author is thoroughly at home in the period: he knows his sources, both printed and manuscript; he is familiar with the standard histories and biographies, with the contemporary memoirs, and the literature in poetry and prose. Moreover, bearing his learning lightly, he writes with spirit and distinction, in a style salted with epigram and apt quotations and illustrations. In short, here is one of those oases, all too rare, where even the most jaded reviewer may find refreshment. The work is confined to the early life and times of the Duke of Cumberland, from his birth in 1721 to the end of the War of the Austrian Succession in 1748. By a curious coincidence, Sir George Otto Trevelyan and Lord Rosebery, in their respective masterpieces of eighteenth-century biography, produced only fragments, unwilling, perhaps, that the reader should become sated at the feast. In Charles James Fox and the elder Pitt they were happy in choosing subjects to inspire their best eloquence. Heavily handicapped in his choice of a hero, Mr. Charteris, nevertheless, challenges comparison, both in excellence and interest, with his two predecessors, hitherto pre-eminent in the field. In order to do it, however, he has been obliged to use those extraordinary arts by which Gladstone is said to have "brightened the driest details and made the wilderness . . . to blossom like a rose".

The aim of the writer is to rehabilitate the "Butcher Duke", by repudiating the calumnies with which the Jacobites have blackened his

memory and by showing how he was really regarded by the majority of his contemporaries. As a part of his plan he has thought it expedient, "at the risk of traversing some familiar ground, to emphasize the extent to which Cumberland was a reflexion and epitome of the political, moral, and social conditions of the age". To this we owe fascinating chapters on social conditions and amusements in London; on the court of George I.; and the family of George II. While none of them are remarkable for substantial novelty of findings on the life of the period, as a whole, the freshness of the presentation and new illustrative details make them welcome contributions. They help to show that if Cumberland was "no fanatical adherent to clemency or pity", much may be explained by the environment in which he was reared. His addiction to dull, coarse intrigues was a part of the family heritage, while his propensity for gambling and his patronage of prize-fighting and other brutalizing sports were characteristic of his day. On the other hand, he had a praiseworthy devotion to duty and a "grave concern for the public interest", he did effective work as an army organizer, and, though he was a relentless disciplinarian—"outrageously and shockingly military" to the spoiled type of officer of those easy-going days—he managed to enjoy great popularity with the mass of his soldiers. Vivid and detailed accounts of Fontenoy and Laffelt are supplemented by a discriminating estimate of Cumberland as a general. Little more than a boy in years, he was pitted against the greatest military genius of the age and he was hampered by the supineness of his allies; yet, after all allowance has been made, he lacked the essential qualities of a great commander. Certainly, there was much insight in the remark of a witty Frenchman: "We knew better than to take him prisoner. He does us too much service at the head of your army." On the other hand, his biographer does much to blunt the edge of the traditional denunciation of his responsibility for the bloodthirsty suppression of the vanquished followers of Prince Charlie. Mr. Charteris points out that he was in constant communication with the government; that the ministry insisted on drastic measures; that he tried gentle means at first; that he punished soldiers guilty of excesses; that his subordinates went beyond their instructions when he let go the leash; and that there is little evidence of personal cruelties on his part.

For other contributions in this stimulating volume a mere mention must suffice. It is made clearer than ever before that Frederick, Prince of Wales, was goaded into opposition by unparental animosity of his father and mother, and that Anne, later Princess of Orange, was an arch trouble-maker in George II.'s unlovely family. New documentary evidence is given to show that France was aware of the great commercial issues lying behind the disputes between Great Britain and Spain. Also, manuscript material is cited to confirm the view, recently gaining ground, that the older historians went too far in belittling Newcastle. Scattered through the work are lifelike vignettes of Stair, de

Saxe, Ligonier, and other leading figures of the time. Among the choice specimens of wit which abound it would be difficult to make a selection; but only Fielding or Smollett could describe incidents such as that to be found on page 64. There are few facts or opinions to which the reviewer can take exception. However, it seems hardly correct to cite the case of Walpole to prove that George II. could not keep a popular minister out of office; he recalled him because he proved indispensable (p. 73). A statement (p. 85) gives the impression that Vauban was alive in the middle of the century, whereas he died in 1707. No evidence is given to show that Craggs, the father as well as the son, died of small-pox. It is commonly said that the cause of the former's death was suicide or a "lethargic fit". These, however, are mere details. In conclusion, it may be said that, as Thackeray produced a famous novel without a hero, so the present author has provided us with an excellent historical biography in which the hero is by no means the Hamlet of the piece.

ARTHUR LYON CROSS.

Les Grands Orateurs de la Révolution—Mirabeau—Vergniaud—Danton—Robespierre. Par A. AULARD, Professeur à l'Université de Paris. (Paris: F. Rieder et Cie. 1914. Pp. 303.)

THESE four studies on Mirabeau, Vergniaud, Danton, and Robespierre are reprinted with little change from Aulard's *Les Orateurs de la Révolution*. Mirabeau suffers most, Vergniaud least, in the transfer. A long and interesting study on the plagiarism of Mirabeau as an orator has been omitted, while an addition has been made to the chapter on Vergniaud, some two pages being devoted to the constitution prepared by him in 1793. The changes consist of condensations and some slight alterations of language, mostly at the opening of chapters or sections. The studies have been given a more popular appearance by the elimination of most of the foot-notes. No attempt was made to rewrite the studies, taking advantage of the work that has been done during the quarter of a century since the original volumes appeared. Such a rewriting would have made both the Mirabeau and the Danton more valuable, Danton especially benefitting by M. Aulard's important studies and by the volume of speeches compiled by Fribourg. The fact that the volume is a reprint explains the large amount of space given to Vergniaud, nearly a hundred pages, while Mirabeau is disposed of in sixty. This disproportion is due to the excision of the chapter on the collaborators of Mirabeau, which consisted of some forty pages. In a volume devoted to the orators of the legislative assembly, it may have been permissible to give so much space to the leading orator of the assembly, but certainly Vergniaud is out of drawing when he appears in a group with Mirabeau, Danton, and Robespierre, and occupies more canvas than any one of the others. The scheme of treatment varies but little for the different studies. It consists of a brief sketch of the life of the orator,

a review of his policies, an examination of his principal speeches, with quotations, a study of his style and his method of constructing his speeches, and, finally, a description of his appearance in the tribune. The studies are exceedingly interesting, but they are more literary than historical and can hardly be held up as examples of objective historical writing. M. Aulard makes no secret of his likes and dislikes. He admires Danton, is attracted by Vergniaud, does not esteem Mirabeau, and despises Robespierre. Vigorous as the language is in dealing with Robespierre in this volume, it is not quite so vigorous as that found in the original study. The sentence, "What we see of his soul, athwart these continual evolutions, affects with horror our French instincts of frankness and loyalty", has disappeared, and the assertion that "Robespierre was a hypocrite" has been shaded to, "It may be said that, up to a certain point, he was a hypocrite". What the work is and what it might have been was pointed out by M. Aulard himself in the preface to the second edition of his work on the orators of the Constituent Assembly. "When I wrote it", he said—*i. e.*, in 1882—"I was professor of French literature in the faculty of letters of Poitiers and I took the literary point of view. To-day [1905] I should have a different conception of these studies on the French Revolution, that is to say, I should conceive them in a more historical manner. I should apply the method more rigorously, using better sources, making less use of memoirs written after the events, abstaining more from judgments of men and works, aiming at a more objective impartiality." In spite of all this, the student of the French Revolution will find it worth while to read M. Aulard's studies of the orators, but they should be read in the original edition and not in this reprint.

FRED MORROW FLING.

Correspondance du Comte de la Forest, Ambassadeur de France en Espagne, 1808-1813. Publiée pour la Société d'Histoire Contemporaine par GEOFFROY DE GRANDMAISON. Tome VII., Août 1812-Avril 1814. (Paris: Alphonse Picard et Fils. 1913. Pp. ix, 337.)

THIS volume completes an undertaking which has been in process during the past nine years. Each of the seven volumes has, upon its appearance, been the subject of a criticism in this REVIEW. The general approbation which has everywhere been accorded this publication has rested upon several qualities, the serious merits of the correspondence itself, the excellent editing of M. de Grandmaison, the admirable letterpress and paper. The material here published for the first time has been taken from the archives of the Foreign Office of France.

One is impressed by the evidently scrupulous exactitude of the transcriptions. Great pains and no liberties have been taken in the

reproduction of these diplomatic documents. The serviceability of the work is heightened by the editor's notes, which are both numerous and authoritative and which serve to make clear the significance of a multitude of allusions and references. The editor has also furnished at the opening of each chapter an outline of the chief events of each month covered by the correspondence and a brief analysis of La Forest's relation to them, of the character of his information, whether that of an ocular witness or first-hand reporter or whether that of a mere transmitter of general news or rumor. It is difficult to see how an editor could discharge his functions with greater ability or conscientiousness. Both he and the Société d'Histoire Contemporaine, which has rendered this publication possible, are to be congratulated upon the admirable execution of a formidable and useful task.

This correspondence covers a period of five years. La Forest's first despatch is dated April 9, 1808, and his last May 3, 1813. It is full of interest because La Forest was an accomplished observer, attentive, keen-eyed, thoroughly conversant with all the ruses of his profession, of large converse with the world, an entirely sophisticated ambassador, placed in a very artificial position, a French ambassador appointed by the Emperor of France to the court of the emperor's own French brother, which pretended to be the court of Spain but really was only an auxiliary of the French court. A position so artificial called for much coolness, guile, and finesse. As one reads these volumes one becomes entirely satisfied that La Forest was proficient in his art. Among other qualifications he possessed a skillful pen, discriminating, discreet, tactful, etching his picture sharply.

The final volume of this series chronicles the collapse of an alien and hateful régime in a suffocating cloud of dust and débris, a most inglorious *débâcle*. The flight of Joseph was not as terrible as the flight of the Tartar tribe but is slightly reminiscent of it.

Having returned to France, La Forest was entrusted with the mission of negotiating the treaty of Valençay with Napoleon's quondam prisoner, Ferdinand VII., whereby the latter recovered his throne of Spain, a very curious episode in the history of Napoleonic diplomacy. In the midst of complete political and diplomatic disorder La Forest discharged his task. The strange negotiations dragged through four months (pp. 165-303).

M. de la Forest's diplomatic career was rounded out appropriately for that kaleidoscopic age by a final ironic feature. As a representative of Louis XVIII., into whose service he passed after Waterloo, it became his duty to press passports upon "M. le Comte de Survilliers", the "ci-devant roi d'Espagne Don Joseph", who was now en route for Bordentown, New Jersey, *via* Switzerland, and who had for five years been the sovereign to whom he had been accredited. This delicate task La Forest performed in a manner that was none the less brutal and peremptory because formally courteous.

CHARLES DOWNER HAZEN.

Staatsminister a. D. Eduard von Bomhard Staatsrat i.o.D. und Reichsrat der Krone Bayern: ein Lebens- und Charakterbild, verfasst nach den Tagebuchaufzeichnungen Eduard von Bomhards. Von ERNST VON BOMHARD, Geheimer Justizrat in Strassburg, Elsass. (Munich and Berlin: R. Oldenbourg. 1913. Pp. 222.)

Aus den Tagen Bismarcks. Politische Essays von OTTO GILDEMEISTER. [Herausgegeben von der Literarischen Gesellschaft des Künstlervereins in Bremen, 2. vermehrte Auflage.] (Leipzig: Quelle und Meyer. 1913. Pp. viii, 314.)

THE history of the unification of Germany has thus far been written either from the Prussian point of view, or from the detached or hostile viewpoints of Germany's neighbors; and the greater part of the auxiliary material that has been published in the form of correspondence, diaries, or memoirs has come from Prussian or foreign actors in the drama. Material is gradually accumulating, however, that will help the future historian to appreciate the feelings and the attitude of the Germans in the smaller states that were brought under Prussian hegemony. To this body of material belong in some degree the works under review: the biography of a Bavarian jurist who became minister of justice, and a collection of leading articles written by a Bremen journalist.

Eduard von Bomhard's seventeenth-century ancestors in the direct male line and his great-grandfather, Johann August (1687-1758), were professional musicians. The latter became 'cellist in the court orchestra at Ansbach; and in his diary he noted the fact that on July 22, 1730, after a concert, he was summoned to the room of the Prussian crown prince (afterwards Frederick the Great) "and had the honor of playing accompaniments on the violoncello to the Prince's flute, from 10 to 12 at night" (p. 5). With other instruments, several of Johann August's great-great-grandsons, three of whom were officers in the Bavarian army, accompanied another Frederick, Prussian crown prince, 140 years later in France; one of these was an artilleryman. The genealogical chart at the back of the volume, from which these data are culled, shows that nearly all the numerous male descendants of the eighteenth-century court 'cellist have been or are Protestant clergymen, teachers, judges, administrators, or army officers.

Eduard von Bomhard (1809-1886), after completing his legal studies, entered the judicial branch of the Bavarian civil service, and from 1836 to 1864 he was a law-officer of the crown, with occasional periods of service as judge. In 1863 he was elected a member of the House of Deputies, and in 1864 he was appointed minister of justice by the young King Louis II., of tragic memory. Von Bomhard's politics were moderately Liberal. In 1848 he had warmly welcomed the movement for German unity; but, like many other Liberals, he was out of sympathy with the radical tendencies which became dominant in the later stages of the Frankfort movement; and, like all "Great-German" nationalists,

he was dissatisfied with the project of a narrower Germany under Prussian hegemony. During the Conservative reaction of 1849 and 1850, however, he stood by his Liberal convictions; and, in his manful resistance to illegal arrests and to usurpation of power by the military, he risked his official position. In his short term of active political life as a member of the Bavarian cabinet came the crisis of 1866. In common with his colleagues, he felt compelled to support the Austrian cause, although he had little hope that it would prevail. With the advent of the Hohenlohe Ministry and the establishment of closer relations with Prussia, his position as minister became untenable; but he had warm supporters among the unofficial advisers of the king, and he retained his office until May, 1867. He was then forced out by intrigues to which his son and biographer devotes considerable space. The royal appreciation of his services was shown by his advancement to a seat in the Upper House. Apart from his unfortunate and unfruitful political activity, Eduard von Bomhard lived a useful life. He did much to improve the administration of justice in Bavaria, and he contributed in no small degree to the development of a better system of legal procedure throughout Germany.

Otto Gildemeister (1823-1902) was primarily a journalist. He was a member of the editorial staff of the *Weserzeitung* from 1845 until his death. He was an author of repute—a translator of English and Italian poetry (Shakespeare, Byron, Dante, and Ariosto) and an essayist. He was also a prominent figure in the political life of Bremen; for thirty-three years he was a member of the Bremen senate, and for twenty-three years a representative of that city-state in the German Federal Council. The favorable reception of a collected volume of his essays suggested to his friends the publication of the present book, made up of selected editorials written between 1866 and 1898. They are good editorials; they show a facile pen and a wide knowledge of history, economics, and literature. They do not, however, constitute an important contribution to the history of the period. The value of the collection to the historical student is lessened by the fact that the periods in which the writer was in opposition to the prevailing currents in public life are passed over. Gildemeister, like the other North-German Liberals, came to the support of Bismarck's policies only when it became clear that this Junker was solving the problem of German unity. As a representative of a great commercial city, he was a free trader, and ceased to follow Bismarck when the latter adopted a protectionist policy. As a Liberal, he was discontented with the compromises which ended the conflict with the Roman Catholic hierarchy. We have, however, no editorials written during the *Conflictzeit*, and we have few that were written during other periods of opposition. The second title of the volume, *Political Essays*, is legitimate. The main title gives a misleading impression of the value of the book to the student of the history of the time.

MUNROE SMITH.

The Fall of Protection, 1840-1850. By BERNARD HOLLAND, C.B.
(London: Edward Arnold; New York: Longmans, Green and
Company. 1913. Pp. xi, 372.)

THE history of the repeal of the Corn Laws and the downfall of the national system in England has been frequently described and the author of this volume makes no attempt to add to the details of that narrative. He does, however, seek to interpret and explain those events and their consequences from a point of view which, perhaps, has been too little emphasized—that of the British Empire. The first quarter of the book outlines, somewhat sketchily, the early development of the system and in more detail the events leading up to Peel's ministry in 1841. Half the volume is given to the succeeding decade, explaining Peel's change in policy, his fiscal reforms, the repeal of the Corn Laws, and the fall of the Navigation Acts. The remainder of the space is given to an explanation of the effect of these events upon the whole colonial system, a statement of the present situation and finally the author's conclusions.

With this point of view in mind it is shown how the national policy at an early date developed the beginnings of a system of mutual concessions and privileges. The American Revolution led England to give up all attempt to tax the colonies for the purpose of imperial defense, but the regulation of their trade was continued as before. However, under Pitt and later under Huskisson and Canning, the severity of the old trade and navigation laws was modified, and there appeared a tendency to resort to home-decreed preferential trade and other concessions through bargains of reciprocity. This marks the transitional stage between the old and the new systems and reached its height under Peel's second administration.

In the struggle which followed, the Corn Laws were the central issue, but the Navigation Laws, the question of colonial preference and the whole national system were bound up with them. Yet the demand which really led to the repeal of the Corn Laws was based on the argument that only a small class of landlords gained by those laws (the author denies that the laws in fact raised the price of grain), and the crusade led by Cobden and Bright was either blind to, or oblivious of, the effect which its success might have upon the empire as a whole. With the repeal of the Corn Laws and other protective duties all colonial preference vanished, and without this compensation the restrictions on colonial commerce involved in the Navigation Laws could no longer be justified, hence they were also repealed. At the same time came the granting of self-government to the leading colonies, thus creating a situation which made control of their trade by the home country extremely difficult. As a result this control was slowly modified and by 1873 practically abandoned. Thus the self-governing colonies have been able to set up protective tariffs of their own, though in recent years accompanied by provisions for imperial preference. Hence to-day the

old Cobdenite hope of a vast free-trade empire exists only within the circle of colonies still controlled from London.

The conclusions which the author derives from this history can be briefly summarized. "The maintenance of a system of free imports and acquiescence in hostile tariffs also involves as a necessary condition the command of a subject Empire in which we can forbid tariffs directed against ourselves. The revolution in policy of 1846 was made possible by the fact that our supremacy at sea was unchallenged, by the fact that we possessed a subject Empire which we could hold open by force for our exports, and by the fact that our manufacturing power was then unrivalled" (p. 340). But since these conditions no longer exist the policy must be abandoned. England must resort to a protective tariff to wield as a "big stick" and force concessions from other countries while using it as a basis for preferential treatment among the colonies. This would be a "judicious return towards the policy initiated by Pitt before the great war, resumed by Huskisson and Canning, and continued by Sir Robert Peel in 1842, but abandoned by him in 1846. It lies half way between, on the one side, the eighteenth century Whig policy of monopoly and exclusion, and on the other, the extreme, and now declining, Victorian policy" (p. 359).

In his exposition of the controversy over the repeal of the Corn Laws the author, admittedly an advocate, has been markedly successful in his effort to be fair to both sides. Peel's difficult position is explained with admirable sympathy and insight. But when it comes to the author's conclusions we must insist the case is not proved. In the first place there seems to be implied throughout the book a gross exaggeration of the influence of a nation's commercial policy. The intimation that England's position of supremacy at the middle of the century was due to the commercial policy which she had been following (p. 7) is similar in exaggeration to the belief that the decline in her relative supremacy since then can be greatly checked by a change in that policy. In both cases the situation is the result of far more numerous and fundamental factors than can ever be altered by a mere change in commercial policy. Moreover, even admitting commercial policy to be a factor of great influence, the author does not prove that the policy of reciprocity which he advocates is, under present conditions, the proper remedy. Undoubtedly it might secure some concessions, but, as past history only too clearly shows, it would also provoke retaliation. Nor does the history of colonial preference in recent years indicate that the concessions thus to be won are such as are likely to bring far-reaching results. Finally, it appears to be simply assumed that the gain to be obtained will more than offset the losses involved; certainly there is no real attempt to discuss this point, which, after all, is rather fundamental. In short, the volume before us may be considered as an interesting interpretation of some of the events which have followed the downfall of the national system from the point of view of the empire. The

developments pointed out may justify the query whether a change in England's commercial policy is not desirable, but they do not justify the conclusion that the particular policy here advocated either is, or is not, desirable. Incidentally it may be suggested that the Ricardo spoken of as "the famous economic writer" (p. 279) was really John Lewis Ricardo, a nephew of the noted economist.

CHESTER W. WRIGHT.

Le Socialisme et l'Évolution de l'Angleterre Contemporaine (1880-1911). Par ÉDOUARD GUYOT. Docteur en Droit, Docteur ès Lettres, Agrégé de l'Université. [Bibliothèque d'Histoire Contemporaine.] (Paris: Félix Alcan. 1913. Pp. xviii, 543.)

THE chief interest of this book lies not in a chronological presentation of the political history of England since 1880, but rather in an illuminating synthesis of a great variety of English ideas and achievements, quite as much within the economic as within the political domain, during the last thirty years. Relegating to a subsidiary place the dramatic episodes with which the course of Liberal legislation since 1906 has teemed, though by no means losing sight of them, the author has tried above all to describe their relationship with modern economic phenomena. Tendencies among producers—capitalists and wage-earners—tendencies among consumers, tendencies of state action, all are studied in turn, and in each M. Guyot perceives a victory, more or less complete, for socialism, which thus becomes the synthetic principle of recent English evolution. By "socialism", however, the author does not mean Marxism, which he roundly denounces as dogmatic, narrow, and unpractical; he is content with a far more elusive and, it must be confessed, impressionistic definition, "a general principle of organisation, a reaction of constructive volition against *laissez-faire*".

In the first part of the volume, M. Guyot shows clearly how the natural desire for efficiency has tended to transform production from an individualist to a collective basis. On the one hand is the concentration of capital in the hands of trusts; on the other, the concentration of labor through trade-unionism. Up to a certain extent both tendencies coincide with socialism, but in the former case the concentration of the use of capital does not result in the concentration of its possession, and the survival of "small business" is a further refutation of Marxism, while in the latter case the efficacy of trade-unionism is limited by its inability to organize the poorest workingmen or to solve the problem of unemployment. It may here be said that the section on trade-unionism (pp. 39-122) is one of the most interesting in the book: following in general the Webbs' *Industrial Democracy*, it traces the gradual abandonment by English economists of the wage fund and Malthusian doctrines and supports the economic soundness of the minimum wage. The political activity of the trade unions appears more promising to the author than their schemes of mutual benefit or even their rôle in collective bargaining and in arbitration.

Thus, the formation of the Labor Party becomes the fine flower of trade-unionist maturity. The political action is traced since the Reform Bill of 1867 in three well-marked stages: first, the labor conferences and the Labor-Liberal alliance (1868-1887); secondly, the impetus given to a separatist movement by the great strikes of 1887-1890 and the resulting formation of Keir Hardie's Independent Labor Party; and thirdly, the Taff Vale decision and the consequent juncture of trade-unionism with the Socialist groups. To fill in this interesting outline, it will still be necessary for the student to go to the more detailed works of the Webbs, Ramsay Macdonald, Keir Hardie, Conrad Noel, and Frank H. Rose.

Much the same tendencies as have characterized modern production in England, M. Guyot finds (part II.) among consumers. Accepting the historical facts of the growth of the co-operative societies in the United Kingdom supplied by such authorities as Cernesson, Gide, and the Webbs, he interprets the movement as "a triumph of the instinctive drift of the race: the point of departure is individualistic; the point of arrival socialistic". Yet the author is obliged to admit that co-operation too has its limitations—the particularly fortunate classes on one side, and the wage-earners, whose employment is precarious or intermittent, on the other, remain outside of its scope.

Increasing state action—the third and most conspicuous sign of the progress of collectivism in England—is followed down two broad channels, labor legislation and agrarian reform. The revolt of the Liberal Party against the preachments of the Manchester School, the democratizing of British politics, and the social legislation since 1906 are pointed out and commented upon, always, however, in such an abstract manner that the historian will find very few indications of the exact factors which in the decades of the eighties and nineties worked together to shape the present politics of the Liberal Party. It is surprising in such a thoughtful work as M. Guyot's to find almost no reference to the activities of Joseph Chamberlain or to the influence of Henry George or to the effects of the Boer War. A real history of the transformation of the Liberal Party has still to be written.

Of the land problem, M. Guyot discusses the three most frequently supported solutions—land nationalization, as proposed by A. R. Wallace; the single tax, as urged by Henry George; and the peasant proprietorship, as championed by prominent Conservatives. The last he deems alien from the present English tendencies, because it is anti-socialistic. The doctrines of Henry George are bitterly assailed as unsound and visionary, and their influence upon the present-day Radicals in England and especially upon the Lloyd George budget, in the opinion of the reviewer, are greatly underestimated. It is land nationalization, therefore, toward which M. Guyot thinks England is tending, though not necessarily in the very form which Wallace pictured, and as evidence of his theory he cites the Small Holdings Act of 1907 and the Housing

Act and the budget of 1909. At this theory and evidence the chief criticism of M. Guyot's work will probably be levelled. It will be remarked that the author might conceivably modify his position were he to take up in some detail the actual operation of the Irish Land Laws and of the Development Act of 1909 and the recently announced land programme of Mr. Lloyd George.

The last part of the book, largely literary, is devoted to William Morris, Bernard Shaw, and H. G. Wells. In the work of each one of these writers, M. Guyot finds the expression of certain idealistic tendencies from which English socialism profits. The bibliography, concluding the book, is the best now available on recent social history of Great Britain.

M. Guyot's work is quite likely to make its most direct appeal to students of economics, sociology, or political philosophy. Its method of treatment and its constant employment of abstractions militate against its historicity. Yet its remarkable grasp on the drift of many diverse elements in contemporary English life—the suggestiveness of its synthesis—will afford fresh stimulus to the student of the modern history of a great industrial nation.

CARLTON HAYES.

The Rise of South Africa: a History of the Origin of South African Colonisation and of its Development towards the East from the Earliest Times to 1857. By G. E. CORY, M.A., Professor in Rhodes University College, Grahamstown, South Africa. Volume II. *From 1820 to 1834.* (London, New York, Bombay, and Calcutta: Longmans, Green, and Company. 1913. Pp. xiii, 489.)

THE first volume of this notable work (which was reviewed in the *AMERICAN HISTORICAL REVIEW*, XVI. 629-630) reached the beginnings of systematic English immigration to South Africa. This second volume, the history of fifteen years, ends as the Boers begin to "trek" northward away from the English. As in other phases and stages of South African history external forces, remote and often effective in even more than this imperial region, play a fairly direct part. Thus in England the Industrial Revolution, the problem of the poor law, jealousy of emigration to America, and the historic contribution of the English ruling caste to the mismanagement of the Colonial Office led to the establishment of the first definite body of English civilians in South Africa, 1819-1820. The missionaries had already come. Their advent in modern world-politics was not less important than their influence in the history of both Americas and of Japan in the sixteenth and seventeenth centuries. The part they played in South Africa may forever remain in dispute. Certainly, aside from any prejudice possibly shown by the author, the prompt entanglement of some of these early mission-

aries in both local and imperial problems was often unfortunate. And thirdly, the anti-slavery movement was important for South Africa. This was true to an extent and in a fashion sometimes unappreciated. It is probable that the author will explain this matter more fully in his next volume; but the reviewer ventures to claim that English anti-slavery legislation was ultimately of as great colonial significance for South Africa as for the West Indies.

Local problems were thus often connected with foreign forces. Because of English immigration, Boer farms, and native claims, the allotment of land became immediately important. Lengthy extracts from despatches on such matters lead directly to the development of local administration often on the frontier. There the problem of labor and the relations of Europeans and natives add to the essential features of South African history. Thus the author's last chapter is *In the Shadow of the Storm*. For the Boers were about to retire into the interior. There while they withdrew into the social and religious habits of the seventeenth century they met in more direct fashion the natives of South Africa. The materials for this drama are therefore almost complete. Later came the alien miner and the financier. Meanwhile one effect of the great European wars, so recently ended, was the successive appointment of elderly generals with admirable Peninsular records, who were well connected at home, to the task of governing a young continent. Their troubled rule was the last, though unconscious and indirect, legacy of Napoleon to the British, for in this period in South Africa the first graves were dug for imperial reputations. As to materials and methods the author suffers at times from the oppressive recollections of the local historian though he usually ranges through the best sort of imperial documents. He has drawn heavily on the fading records of pioneer days, a body of material which he has assiduously rescued and collected. The copies of early maps, prints, and paintings add value to the book, but it is a pity that their origin and history has often been omitted. Along similar lines there is ground for more serious criticism. The author's method of citation is irregular; and often when quoting at length from manuscript diaries, from letters written by early settlers, or from local records no reference is given to indicate the location of these documents, nor the precise origin of the words used. Presumably much of this invaluable material is in the author's possession. But he is making a mistake in relaxing the rigorous standards set in the first volume. He has drawn freely from the printed *Records of Cape Colony* and frequently gives his references; but his habits with the *Blue Books* are not as good. In general the temptations of the annalist are increasing; and his method and style are not as calm and clear as in the earlier volume. But the result is still an admirable contribution both to South African literature and to the history of the British Empire.

ALFRED L. P. DENNIS.

Annals and Memoirs of the Court of Peking (from the 16th to the 20th Century). By E. BACKHOUSE and J. O. P. BLAND. (Boston and New York: Houghton Mifflin Company. 1914. Pp. x, 531.)

MESSRS. BACKHOUSE and Bland have given us another fascinating volume which every student of Chinese history and politics will wish to read. Purposing "to present a faithful picture of life at the Court of Peking" from the later years of the Ming Dynasty to the present, the authors have "not attempted to construct a consecutive chronological record . . . but only to present a series of impressions, taken from life" and to trace therein the "alternating causes of the national growth and decay" (preface, p. 10).

The major portion of the book consists of translations and summaries of excerpts from Chinese historians, annalists, essay writers, diarists, and pamphleteers. Some of these are frankly labelled fiction, others are listed as doubtful, while still others are presented as authentic and reliable history. They serve admirably to acquaint the reader with the leading motives, the loves and hatreds, the strength, the weakness, and the accidents which undid the Mings and made and unmade the Manchus.

To data of a directly political nature, much of which was accessible before, the authors have added, and into the whole they have put life. The book abounds in accounts of action and intrigue and in brilliant and intimate sketches of men and women, both famous and obscure. When we read the letters of the illustrious turn-coat, General Wu San-kuei, (ch. IV.), we find an old suspicion confirmed: "The Manchus owed their Dynasty, under Heaven, to a little singing girl." As we proceed, we find it fully demonstrated that the primary causes of the fall of each of the dynasties under discussion were the corruption and incompetence of its later monarchs, the licentiousness of these monarchs' courts, and the habit of entrusting the direction of affairs to eunuchs.

The Chien Lung and Chia Ch'ing documents give us new light on the Chinese attitude towards the Macartney and the Amherst missions. Told of the difficulties which beset the last regent, Prince Ch'un, we are ready to believe that, under some circumstances, a "Regent's life is not a happy one". Let those who believe that China is void of accumulated, movable wealth read the account of the treasures of Ho Shen, a quarter of whose estate was worth what would suffice to pay off the whole of the Boxer indemnity (pp. 364-367).

The equipment of the book includes a valuable genealogy (pp. 161-165) and a useful list of persons (pp. 1-8). Among errors: the view of the Forbidden City (opp. p. 268) was not taken "from the Coal Hill". It was from the Pai-t'a in the North Lake of the Winter Palace. The "posthumous" rather than the "reign" titles should have been used in several cases where Ming emperors are named.

The comparison of the massacre at Yangchowfu, in 1645, where a whole population was slaughtered, with the massacre of the Manchu garrison community at Sianfu, involving at most fifteen thousand persons, is not sound historically and conveys a wrong impression as to the conduct of the recent revolution.

Considering the title of the book, the animadversions with regard to Young China—which we must attribute to Mr. Bland—are scarcely in order. They involve, too, inconsistencies (compare pp. 15-16 with pp. 519-520). We are familiar with Mr. Bland's pessimism, but we are hardly prepared for such contempt for perspective as appears in the assertion, "The Government which Yuan Shih-K'ai is administering at Peking at this moment is no more republican than was that of Kublai Khan" (p. 518).

Mr. Backhouse is a sinologue of acknowledged authority. Mr. Bland is one of the most entertaining of publicists. Each has his opinions. It is well known in China that these do not always coincide. However we may agree or disagree with the opinions for which they become jointly responsible, what they furnish as history is most useful and their comments command attention and interest. The present work is not on the whole as consistent or convincing as was their *China under the Empress Dowager*. While it would be quite as useful and more satisfactory if some of its pages had been omitted, it will not irritate as did Mr. Bland's *Recent Events and Present Policies*. It constitutes a very valuable contribution to our literature concerning China.

STANLEY K. HORNBECK.

American and English Studies. By WHITELAW REID. In two volumes. (New York: Charles Scribner's Sons. 1913. Pp. xi, 316; 344.)

IN 1856, though then too young to vote, Whitelaw Reid took the stump for Frémont. From that time until his death nearly sixty years later at the post of ambassador to Great Britain, he was almost constantly in close contact with public affairs and alert and skillful both in the interpretation and in the evoking and shaping of public opinion.

His life-work was that of a journalist. The four studies grouped under the heading, "An Editor's Reflections", have an added interest from the fact that they span nearly thirty years. The first, *Journalism as a Career*, dates from the year (1872) in which Whitelaw Reid succeeded Horace Greeley as editor-in-chief of the *New York Tribune*. *Practical Issues in a Newspaper Office* (1879), *Recent Changes in the Press* (1901), and *Journalistic Duties and Opportunities* present acute analysis of important aspects of a rapidly changing profession and business enterprise. Of particular interest is his discussion of the thesis: "Not half enough libel suits are brought; and yet most of those that are brought are unjust" (II. 319-327).

The five biographical essays deal with a great variety of subject. The work and influence of Burke, Byron, and Talleyrand are treated with discerning fairness. The studies of two American statesmen were prepared for university assemblies in Great Britain. Mr. Reid's aim was to strip Lincoln's name and fame "from the incongruous and inraginary attributes under which so many eulogists have disguised him". It is a very human picture. Yet he "places far above Bismarck, who created an empire; far above Gambetta, who saved a fallen people; or Mazzini, who helped put a new soul in another . . . the man who saved for liberty and humanity the greatest Republic of modern times". His characterization of Jefferson is less sympathetic, though ungrudging praise is given to some of his services. His faults and inconsistencies are plainly set forth. In the inevitable parallel between the two rivals, Hamilton always appears here to the better advantage. In some instances the reader suspects that isolation from their context has done scant justice to Jefferson's words. The statement that Jefferson "was the author of the doctrine that 'to the victor belong the spoils'" may be challenged.

Current events lend an unexpectedly timely interest to several of these essays. The Home Rule controversy is made more intelligible by the Scot in America and the Ulster Scot. Both the present ambassador to Great Britain and his critics might find profitable reading in the Diplomatic Point of View. "No ambassador has the right to carry his politics on the outward voyage beyond Sandy Hook. From that moment he represents the President and the government of the whole American people. . . . The converse ought to be true—there ought to be no politics at home in dealing with the embassy's work." The Monroe Doctrine and the Polk Doctrine is a lucid presentation of the circumstances under which these enunciations of American foreign policy were put forth. Mr. Reid objectifies the discussion by trying to work out an Asiatic or European Monroe Doctrine or Polk Doctrine, and he queries what our feelings might have been, had we been warned off from the Philippines or Liberia. He raises the question whether we have not given to these doctrines a wider extension than logic or the course of events since 1823 would justify, and whether the legitimate sphere of our influence in the countries below the equator might not be "increased rather than diminished by a moderation of our extreme claim to interfere now with any exercise of their own sovereignty as to territory, government, or otherwise, to which their calm judgment of their own best interests may bring them".

GEORGE H. HAYNES.

BOOKS OF AMERICAN HISTORY

Voyage aux États-Unis de l'Amérique, 1793-1798. By MOREAU DE SAINT-MÉRY. Edited with an Introduction and Notes by STEWART L. MIMS, Assistant Professor of History, Yale University. [Yale Historical Publications, Manuscripts and Edited Texts, published under the Direction of the Department of History, no. II.] (New Haven: Yale University Press. 1913. Pp. xxxvi, 440.)

MOREAU DE SAINT MÉRY (1750-1819), the well-known historian of the French Antilles, lived in the United States as an exile from 1794 to 1798. His *Voyage*, of which only short extracts have previously been published, was compiled by him about the year 1815. It is a book of travels in the making—a hodge-podge of extracts from Moreau's diary (the original of which has disappeared), of letters sent and received, of observations recorded after his return to France, and of facts gathered from American newspapers and other travellers. The result is literary chaos, but a work of greater value to the historical student than the usual glib traveller's tale, for the wheat can sometimes be separated from the chaff. Moreau, had he lived, would probably have rewritten the whole manuscript for publication; Professor Mims has wisely refrained from attempting to do so for him.

After a rough voyage of 119 days, Moreau landed at Norfolk, remained there two months, and then proceeded to New York *via* Baltimore and Philadelphia. His powers of observation make the account of these short travels, which fill half the book, decidedly worth while. At Princeton, for instance, where he stopped a few hours, he describes minutely the architecture and interior arrangements of Nassau Hall, pokes fun at Rembrandt Peale's portrait of Washington at the Battle of Princeton, and notes the price of students' board and washing.

In October, 1794, Moreau settled down in Philadelphia, to conduct a French press and book-shop. The latter and most valuable half of the *Voyage* is devoted to his residence there. This part of the book is a source of the first importance for American society at the end of the eighteenth century. Other travellers of the period—Liancourt, Weld, Brissot, Michaux, Volney—have described regions where Moreau never penetrated, and have left impressions of American life as a whole. Some of them mixed in the "Republican Court", to which Moreau was not admitted—he was refused a ticket to the "birthnight ball" on the ground of being a shopkeeper. But Moreau alone has recorded the life of the solid Philadelphia bourgeoisie, with which he associated for three years. His love for detail, and his somewhat salacious curiosity have led him to make interesting observations on intimate subjects that are usually passed over by contemporary writers, and considered beneath their dignity by historians. He comments on the habits of American women

with brutal frankness; he gives the price of every imaginable commodity and service, from peaches (five a penny) to an *accouchement* (\$12.50). The book must be used with caution, however; Moreau's credulousness being shown by such statements as "Les chiens des Etats unis sont sujets aux maladies syphillitiques" (p. 353).

Moreau's shop was a meeting-place for the émigrés in Philadelphia, and his *Voyage* is a valuable source for their life in America. It has already been drawn upon by French writers for this purpose. There are some interesting side-lights on Talleyrand, with whom Moreau was on terms of close intimacy, and a number of unpublished letters from him after his return to France. Moreau himself returned to France shortly after the passage of the Alien Act, and the book ends with an amusing account of place-hunting in Paris.

Since there are no acknowledged canons in this country for editing texts, any criticism of the rules Professor Mims has adopted would be beside the mark. Suffice it to say, that he has followed his own standards consistently. He has added an excellent biographical sketch of Moreau, but his notes and index are meagre. However, he has amply fulfilled his "primary aim" of making this interesting manuscript "available as a historical document" (p. vi).

S. E. MORISON.

American State Trials: a Collection of the Important and Interesting Criminal Trials which have taken place in the United States, from the Beginning of our Government to the Present Day. By JOHN D. LAWSON, LL.D. Volume I. (St. Louis: F. H. Thomas Law Book Company. 1914. Pp. xxxvi, 857.)

THE series of which this book is the beginning will be welcomed by all scholars. There are few writings more interesting than the reports of testimony and speeches at trials. There are none of more value to students of history, not only the history of politics, but constitutional history, the history of manners, and even the history of language. In the United States more than elsewhere are they needed; for many trials in the state courts, especially in cases of impeachment and those arising from the claims of powers by executives and by separate legislative houses, contain precedents of great value for national crises that may hereafter arise. There are none more hard to find. Originally published in pamphlets and newspapers, most copies of them are soon destroyed. Few libraries, public or private, contain collections, and no bookseller in the world, so far as careful inquiry can ascertain, makes a specialty of dealing in them.

The chief merit of the book sent us for review is that the testimony and arguments are printed in full, without that condensation or rhetorical embellishment which we ordinarily find in such reports. The editor is well qualified for his task. The long list of appointments to

positions of more or less importance that he has held was a superfluous addition to his preface. He is well known to the profession as the author of at least two valuable treatises upon subjects previously neglected and as the successor to Judge Thompson in the editorship of the *American Law Review*. His additions to the text are useful and upon the whole well executed. Although some of the platitudes in the introductions might have been spared the reader, the bibliographical and biographical notes show study and are useful. This is especially the case with the trial of Levi Weeks, where he collects a number of magazine articles, with which most readers—even most students—are not familiar, about the anecdote, with the hero sometimes Burr and at others Hamilton, of a case where both were counsel and one of them is said to have cleared the accused by placing a candle before the face of a leading witness for the prosecution and charging him with the murder. That the truth of the story is exploded does not seem to us, as it does to Mr. Lawson, to be demonstrated by the stenographer's report of what occurred. Although this shows that no such express denunciation was made, at least loud enough to be reported, it does appear that a candle was placed by the face of this witness and another asked if he could identify the former as connected with a suspicious circumstance, which it was sought to prove against the prisoner at the bar. The denunciation may have been made by gesture or by the tone of the voice. The report shows that there was some substantial foundation for the story.

It would greatly add to the value of the series if, in subsequent volumes at least, the editor should append a few collections of subsequent authorities upon points of law concerning which he reports the rulings. Head-notes stating the rulings on questions of law, such as are in the second English series of *State Trials*, might, perhaps, also be of some aid.

He has republished a number of Chandler's *Criminal Trials* and it is to be hoped that the remaining volumes will include the rest. But no reference is made to the interesting volume of Professor Wharton, entitled *American State Trials, during the Administrations of Washington and Adams*, which will probably outlive all the other writings of that learned and genial scholar and which is not likely to be equalled, for he had, besides the advantages due to his own intellectuality, the possession of many traditions not previously recorded concerning the bar of the Supreme Court of the United States at a time when the phrase "sharper than a Philadelphia lawyer" first originated, and he used them in a manner that has always been a delight to his readers.

The chief defect in the present work is that its contents appear to have been selected rather for the publisher's prospectus to show to what different classes the series will appeal, than for the convenience of the readers or to suit the taste of the author, who, undoubtedly, would have preferred more symmetry and logic in the arrangement. The trials are not inserted chronologically, as is the case in all the series of the English

State Trials and in Chandler's and Dr. Wharton's books. The first is that of Levi Weeks, in 1800, for murder, the last that of Paterick Blake, in 1816, for another murder. Between them are scattered without system those of different dates, varying from the trial of the Quakers, in 1659, for returning to Massachusetts after their banishment, to that of Vollandigham before a military commission, in 1863, for treason. They are not classified according to subjects. They range from cases of murder, with which the book begins and ends, and which are distributed among the intervening pages, to one upon the charge of opening and publishing a letter, and include assault and battery, libel, enticement to prostitution, witchcraft, embezzlement, piracy, arson, contempt, and sedition.

It would have been far better if the editor had imitated Howell and published the cases in chronological order, beginning with the collections of his predecessors, supplemented by his own notes, and trials omitted by them which he considered worthy of addition.

ROGER FOSTER.

Trans-Atlantic Historical Solidarity. Lectures delivered before the University of Oxford in Easter and Trinity Terms, 1913. By CHARLES FRANCIS ADAMS. (Oxford: The Clarendon Press. 1913. Pp. 184.)

THE title of this volume will prove a stumbling-block to cataloguers and card-indexers, and even the table of contents will afford but scant comfort to the uninitiated. The preface, however, explains the title. The author there records the substance of an interesting conversation between himself and Mr. Bryce, in the course of which the latter raised the question as to the enduring historical importance of the American Civil War. Mr. Bryce, it should be noted, has since disclaimed the emphasis which Mr. Adams has given to certain views advanced in that conversation, and Mr. Adams will in some future publication give prominence to the disclaimer.

Addressed to an English audience, these lectures were designed to emphasize those issues of the Civil War which the writer deems of first-class historical significance on both sides of the Atlantic. Of these he holds there were three: first, the issue of American nationality; secondly, that of slavery; and thirdly, that of democracy.

In the first lecture Mr. Adams maintains that the Constitution of the United States was a *modus vivendi*, that it was "both theoretically and avowedly based on a metaphysical abstraction—the idea of a divided sovereignty—in utter disregard of the fact that, when a final issue is presented—when, so to speak, the push-of-pike comes—sovereignty does not admit of division". The question of sovereignty is really a question of ultimate allegiance, and allegiance is in turn a question of citizenship. The right to determine citizenship, Mr. Adams asserts, was left

with the states. "Ultimate allegiance was, therefore, due to the State which defined and conferred citizenship, not to the central organization which accepted as citizens whomsoever a State pronounced to be such." So much for the original right of secession, but the attempt to put it into action as late as 1860, he holds, was "revolution theoretically legal".

In the second lecture Mr. Adams undertakes to show that the Confederacy staked everything on its faith in the supremacy of cotton and that the issue of the struggle was not determined on the field of Gettysburg but in England, in the Lancashire cottonspinning district and in Downing Street.

In the third lecture the writer waives all possibility of the scientific writing of history before the claims of the Goddess of Fortune. He holds that when the great diplomatic crisis of the Civil War arrived the issue turned on a question of personal pique. Lord Palmerston's jealousy of Gladstone, aroused by the latter's Newcastle speech of October 7, 1862, caused the British ministry to delay the recognition of the Southern Confederacy. We do not agree with this interpretation of history. Several things happened between Palmerston's correspondence with Russell in regard to recognition, September 14-17, and the date set for the cabinet meeting, October 23, to take action thereon. The battle of Antietam was fought September 17 and two days later General Lee retired across the Potomac. Lincoln took advantage of this success to issue his preliminary proclamation of emancipation, September 22. Had General Lee maintained himself north of the Potomac for a few weeks, the proclamation would not have been forthcoming, and the British cabinet would in all probability have decided on recognition and ultimate intervention. Thus the battle of Antietam rather than Gladstone's speech was the turning-point in the contest.

In the fourth lecture Mr. Adams advances his well-known views of Lee and claims for him a place in the quartette of world-famous Americans, the other three being Washington, Franklin, and Lincoln.

While a large part of the material of which this volume is made up has been published by the author in the form of essays and addresses, it has here been kneaded over, so to speak, and put in more permanent literary form. No American writer appreciates more keenly than Mr. Adams the dramatic force of history, and none is more successful in separating and appropriating those elements of an historical situation which are of permanent human interest. He combines in a remarkable degree historical imagination, strong analysis, and convincing logic. The present volume has all the features of his best style.

JOHN H. LATANÉ.

Thomas Ritchie: a Study in Virginia Politics. By CHARLES HENRY AMBLER, Ph.D. (Richmond, Virginia: Bell Book and Stationary Company. 1913. Pp. 303, xvi.)

PROFESSOR AMBLER's book on Ritchie, editor of the Richmond

Enquirer from 1804 to 1845, is a worthy supplement to his *Sectionalism in Virginia, 1776 to 1861*, which was published in 1910. It differs, however, from the earlier book in the fact that it deals with internal party history, a complicated subject which is made to hang around the career of one of the most important of the political agents. "Father Ritchie", as he was called both in admiration and in ridicule, served his political apprenticeship in the days of Jefferson and Madison; he was a well-established force in the days of Monroe and Adams; and he was a member of the dominant Republican junto in the Jackson and Van Buren periods. He witnessed the triumph and the decay of the Virginia hegemony. It was a passion of his life that his state should continue to play the part it played during his early career, a passion for which he sacrificed consistency many times in his life. To follow his course is, therefore, to see how Virginia struggled to maintain her influence among the states as well as to observe her many cross-currents of politics. Considered from this double point of view Professor Ambler's book puts the student of American history under deep obligations. The author has worked in an entirely new field. His book shows that he has been overwhelmed by facts and in trying to utilize them all he has multiplied details; but this is a thing the student who is looking for material will easily forgive. The sane manner in which deductions are drawn is as commendable as the evident mastery of the subject. One lays down the book with the conviction that it is a piece of sound original historical composition.

One lays it down, also, with the assurance that Ritchie was not an able leader of men. Though admitted to the junto that directed the Democratic party in the state, he was not its greatest member. Nor was there a man in the group worthy of the task of directing the course of the state which sought to be the representative of the other states in the South. He was the interpreter rather than the leader of movements. He understood the plain people of his state. Better than some of his contemporaries he knew the influence of the people of the western counties. He was a political weathercock, and sometimes he went awry and told falsely the direction of the wind. He was not above shifting his position, if he thought the wind was going to change.

Ritchie's worst trial was to keep Virginia true to the Democratic party when Van Buren became its leader. Jackson had been powerful through the strong support of the western farmers, and his prestige carried his successor through the election. But trouble came at once. Van Buren decided to maintain the specie circular, although there was a strong combination of state banks to have it repealed. Virginia had a powerful state bank, and Ritchie was under obligation to it. Rives, of Virginia, was a leader of the movement to repeal, while Thomas H. Benton was leader of the opposite side, and kept crying out for specie money. Ritchie believed that the majority of Virginians would support their state bank, and he followed Rives. His enemies said it was because

he was in debt to the bank. The result was defeat for Rives in Virginia, and humiliation for Ritchie. The former never recovered his position in the party, but Ritchie was soon on his feet again, and became a strong supporter of the subtreasury scheme.

In 1845 F. P. Blair had outlived his usefulness as a party editor. He had defended Van Buren so vigorously that he offended the anti-Van Buren faction, who were now in support of Polk. They demanded the removal of the veteran editor of *The Globe*, and spoke so earnestly that even Jackson advised Blair to yield. *The Globe* was purchased, its name changed to *The Union*, and Ritchie went to Washington to become its editor. He was sixty-six years old and not the man he once was, but he was the one prominent editor who would be acceptable to the followers of Calhoun and the followers of Van Buren.

Those who think that party history should never descend to a consideration of party intrigue will be displeased with the book under review. There was never a time in our political history when men supplanted one another by more deviously playing the game of personal intrigue. To ignore it is to miss the significance of the era. In an age of intrigue we must study intrigue. Moreover, the secret springs of action make an attractive story when unfolded. The intimate knowledge one carries away after examining them is worth more than much of what we consider the larger currents of the time. To learn how the political machine clicked in the thirties is to know how it clicks in the year 1914. When the consideration of political manipulation is kept within the bounds of good judgment, as in Professor Ambler's book, it is a legitimate phase of political history.

The sources on which the author has relied are, for the most part, the files of *The Enquirer*, and manuscript collections left by Ritchie and his contemporaries. Among the latter a notable thing is the diary of John B. Floyd. The rich material in the Library of Congress has been used in a selective way. A few letters of Ritchie are printed either in entirety or in long extracts. They are not remarkable. "Father Ritchie", whose editorials were so biting when he wished to make them such, was in the habit of writing diffuse and inconsequential letters to his friends. The volume is well printed and there is an ample index.

JOHN SPENCER BASSETT.

Annual Report of the American Historical Association for the Year 1911. Volume II. Correspondence of Robert Toombs, Alexander H. Stevens, and Howell Cobb. Edited by ULRICH B. PHILLIPS, Ph.D., Professor of American History, University of Michigan. (Washington: Government Printing Office. 1913. Pp. 759.)

THE title of this important volume is unfortunate. The whole correspondence is not assembled but only that portion not hitherto pub-

lished—somewhat more than half the entire mass calendared by Professor Phillips. The calendar of the whole opens the collection, but with one exception the letters hitherto published are not reprinted. In seeking for new letters the editor has located five important manuscript collections. From all these he has drawn, as well as from scattered minor sources. His thorough search has convinced him that no important items now remain unlocated. The earliest date of the new letters is 1844; the latest, 1882.

In criticizing such a collection, the first question of course is—does it complete the body of surviving data? When a workman as able and conscientious as Professor Phillips reports that the field has been fully explored, we need say no more.

“A principal purpose of the editor”, as stated in his preface, “has been to enable the student to put himself in the places of these men and see current affairs of their time through their eyes. To this end a large number of letters written by other contemporaries to one or another of the trio has been included in this volume.” Here the editor sets himself a more delicate, if less arduous, task even than the discovery of the manuscripts. Once we depart from the strict logic of collection, once we determine to be “illuminative” through selection or rejection of data, we commit ourselves to that perilous way of the broader view which in the right hands is the best of all but in others leadeth to destruction. However, no critic with a ghost of the sense of humor will venture to be dogmatic in so delicate, so impressionistic, a matter. Enough to say that of several letters “written by other contemporaries” and here printed there will be two opinions as to whether they are genuinely relevant.

Inevitably these fragments suffer from the limitation that is common to all collections frankly supplemental of others previously published. Except when previous publication has been very slight, it is difficult for the later collection—the homecoming of history’s “lost, strayed, or stolen”—to transcend the character of marginalia. In the present instance a good sample of its average value is the group of seven letters, January–May, 1854, that contain its contribution on the repeal of the Missouri Compromise. Surely, as a sequence they are desultory; in detail, while interesting they can scarcely be called important. On the other hand, now and then a group of letters has sufficient unity to enable them to stand by themselves and fix attention like a vivid patch of original color in the midst of a wrecked picture. Perhaps the best instance is the group of forty-three that extend from September 15, 1850, to December 10, 1851. In these are reflected that “Constitutional Union” movement, in Georgia, following the Compromise of 1850, which in Professor Phillips’s opinion saved the Union from immediate disruption. This view, ably argued in his *Life of Robert Toombs*, may, or may not, take its place among the dogmas of historical criticism, but it is illuminated very strikingly by these forty-

three letters. And here it is a pleasure to observe that the tact in selection is admirable. Not a letter could be spared.

Perhaps the least satisfactory part of the volume is the Confederate part. Here the silences are notable. Nothing is added to what we know already of the Secession movement; no new light is thrown on the mystery of the Confederate presidential election; nor on the contentions relative to the beginning of hostilities; nor on the problems of the government. The value of this portion is chiefly in touches of character and in this respect the letters of Toombs are far the most distinctive. Unfortunately, the character revealed lacks balance. His tone too often is both querulous and cocksure. As an amateur general, he is bitterly jealous of the West Pointers. Though his quarrel with Davis is not narrated, the results of it soon appear. The President of the Confederacy becomes "that Scoundrel Jeff Davis" (December 1, 1862) and a "false and hypocritical wretch" (March 2, 1863).

However, it is in this venom over Davis that perhaps is preserved—like the traditional fly in the amber—a positive detail of Confederate history. Though the anti-Davis Georgians—Toombs, Stephens, and Joseph E. Brown—Cobb having taken the other side—are forever reassuring each other of their hatred of Davis, they never let fall any hint of co-operation with anti-Davis leaders in other states. Here is a curious bit of circumstantial evidence telling in its small way against the theory of a concerted opposition to the President.

N. W. STEPHENSON.

War Time in Manila. By Rear-Admiral BRADLEY A. FISKE, U.S.N. (Boston: Richard G. Badger. 1913. Pp. 276.)

APPRECIATION of Admiral Fiske's narrative will depend mainly upon the form in which individual readers prefer to take their dose of history. Here is no bald official statement of facts; no trained writer's story to newspaper or magazine; no product of a painstaking historian. It is a rambling tale of personal experiences and observations, in fact, quite emphatically personal, almost as much so as Pepys's *Diary*. The writer explains this in his preface, by stating that the book is made up mainly of extracts from letters written, at the time, to his mother.

So much of the book is pleasantly readable that it seems ungracious to criticize its lack of literary construction and coherence, its evidence of limited sense of literary proportion and perspective, and its numerous petty errors in spelling and in names. It makes no real difference to the general reader, whose purpose in reading is entertainment rather than information, that the writer calls the Filipino beast of burden a "carabou" instead of a carabao, that he calls a caramata a "carametta", that he shows the Sultana of Sulu chewing "beetle" instead of betel, that in his hands Captain Dapray becomes "Dupray", or that the vessel convoyed to Siassi and Bongao was the *Boliniao* and not the "Buchuan". A considerable list of such trifling errors might be noted, but they are of no vital importance in a book of this character.

As a contribution to history, the book presents little or nothing that is new, and it deals only incidentally with some of the more important movements of the navy in Manila Bay in 1898. There are perhaps many who will regard some of the writer's opinions as rather heretical. For instance, he sees in Admiral Dewey's famous victory more indication of Spanish error of judgment than of superior American skill and valor. He says that "if the Spaniards had placed their fleet where it would have been supported by Manila's guns (the shore batteries) they would have sunk every American ship". To a similar cause he attributes the comparatively easy victory of the American troops on shore. Thus, he states that the Spanish captain-general, with 13,000 disciplined troops, "allowed 10,000 American troops to land in open barges, within range of his artillery, without firing a shot; and he waited until they had built good intrenchments, within a thousand yards of Fort San Antonio, before he made it at all inconvenient for them". He reaches the conclusion, in which many military and naval men will concur, that if military power depended upon guns and fortifications and ships alone, "Manila would not have been taken, and the little American fleet would have been disastrously repulsed".

But the book is, on the whole, decidedly readable, and that appears to be its principal purpose. It gives the reader little glimpses of life aboard vessels, with which few are familiar; gives little sketches of battles on shore; gives a picture of a little gunboat, and another of a clumsy monitor, in struggle with a stormy sea; and takes us into strange ports which few of us visit. Here and there, a paragraph borders on the highly dramatic, as does the description of the night march of the regiment past the Hotel Oriente, and there are, scattered throughout the pages, touches of both pathos and humor.

ALBERT G. ROBINSON.

MINOR NOTICES

Lexique de Géographie Ancienne. Par Maurice Besnier, Professeur à l'Université de Caen. Avec une Préface de R. Cagnat, Membre de l'Institut, Professeur au Collège de France. [Nouvelle Collection à l'Usage des Classes, XXX.] (Paris, C. Klincksieck, 1914, pp. xvii, 893.) This useful little volume, by a scholar already well known for such interesting books as *Les Catacombes de Rome*, hardly needed to be vouched for by Cagnat. A pendant to Goyau's *Chronologie*, it gives with succinctness (which is greater in the case of well-known places) under each place a reference to the *Atlas Antiquus* of van Kempen, its modern name, its history and development, a statement as to whether there are ruins, and finally the most important references to Greek and Latin authors, to inscriptions in the *CIG.*, *IG.*, and *CIL.*, and to Head's *Historia Numorum* for coins. At the end is a convenient table of modern names. The information exists in other larger dictionaries, like

those of Smith, Pauly, De-Vit, Pape, in Kiepert, and elsewhere; but the student of ancient history can here quickly find a concise account. Many names, including all geographical divisions, such as tribes and demes, are omitted. Though most of the other omissions, like those of Nesus and Teutlussa and Messa in the Cyrenaica, are unimportant, students of the Persian Wars will certainly consider serious that of the island Psyttaleia; and the student of Asia Minor misses Hierapolis in Phrygia, Attoudda, and many others. No references are given to important monographs on particular places, where one can find more detailed information, such as Magoffin's *Praeneste*, Hasluck's *Cyzicus*, Robinson's *Sinope*, etc. References for inscriptions are very incomplete; so for Sinope, Cyrene, and Sardis, none to the *American Journal of Archaeology*; for Priene, Magnesia, Pergamum, Ephesus, Delphi, none to the volumes of inscriptions from these places. For Lesbos why refer to the antiquated *CIG.*, 2166 ff., instead of *IG.*, XII. 2? For Delus we already have *IG.*, XI. 2. Why mention Terpander, Sappho, Hellanicus, Theophrastus, and not Alcaeus under Lesbos? Why refer to excavations at Pergamum, Miletus, Priene, Delphi, Delus, Epidaurus, but not to the American excavations at Eretria, Corinth, Cyrene, and Sardis, where there are no remains to-day of an amphitheatre, where the ruins have not been covered by the alluvial deposits of the Hermus, but by earthquakes and earth washed down from the Acropolis and by the Pactolus, where reference should be made to the great temple of Artemis, which has now been completely excavated? Why not refer to Furtwängler's excavations at Aegina, to Wiegand's at Samos, to Herzog's at Cos, to Halbherr's at Gortyna, and to Hogarth's important excavation of the Artemisium at Ephesus, which Besnier says was excavated by Wood, 1863-1874? A book of this kind necessarily has many misprints, such as the placing of Abonotichus to the east instead of the west of Sinope, and "Arocorinthus" for Acrocorinthus (p. 234), as well as wrong references, which it is useless to tabulate. But there should not be as many in one section as under Tibur, where we have Catullus, XLII. for XLIV.; Tac. *Ann.*, XIV. 12, for XIV. 22; Ptol., III. i. 58, for 54; *CIL.*, XIV. 494 for 495.

DAVID M. ROBINSON.

Transactions of the Royal Historical Society. Third Series, volume VII. (London, the Society, 1913, pp. vii, 261.) The current volume of *Transactions* is hardly to be reckoned in interest or importance in the first rank of those issued by the Royal Historical Society. The address of the president, Archdeacon Cunningham, treats of the gilds and trade incorporations of the Scottish towns, with some reference also to English towns. He adds an interesting appendix on medieval architectural designing, in which he inclines to the opinion that the working design was more often a model than a drawing. Professor Firth reviews the development of the study of the seventeenth century, from histories

that are almost contemporary down to Gardiner, including also a sketch of the increasing publication of sources during the same period. Mr. C. K. Webster describes the leading part which Castlereagh played at the Congress of Vienna, 1814-1815, in the settlement of the Polish-Saxon question, with long excerpts from the despatches which passed between him and the cabinet at home. Mr. J. E. S. Green also discusses the diplomacy of Castlereagh with reference to the conference of 1822, so closely associated with the original proclamation of the Monroe Doctrine, and shows that the collapse of British diplomacy at Verona was not due to any fault of Castlereagh's. Mr. Alfred Anscombe, whose studies in Anglo-Saxon chronology are well known, carries back the pedigree of Earl Godwin, and therefore of King Harold, to "the right line of Cerdic", tracing it to King Ethelred, the brother of Alfred. The names of two generations in the line, the grandson and the great-grandson of the king, are wanting, but the evidence seems notwithstanding to make the pedigree highly probable. Mr. V. B. Redstone has collected a good many facts as to the use of mercenaries and the movements of Henry of Lancaster during the first three years of the reign of Edward III., but they are presented in somewhat unorganized form. Professor James F. Willard, of the University of Colorado, gives the results of his studies in the history of those forms of medieval taxation which are known as fifteenths and tenths, especially between 1290 and 1332. The paper is chiefly descriptive, giving most detail on the method and content of assessments and on the evidence of corruption on the part of the collectors. It is made clear that these taxes were taxes on personal property and not income taxes, that a considerable body of property was omitted from the assessment, and that bribery and speculation were general and almost unconcealed. The assessment of 1334 is that which becomes permanent. Mr. Egerton Beck distinguishes the order of the Holy Cross (the Crutched Friars) from other orders and traces the history of their introduction into England, not in 1244 as maintained by some but in 1248.

Chartularium Imolense. By S. Gaddoni and G. Zaccherini. In two volumes. (Rome, M. Bretschneider, 1912, pp. xiii, 616; xx, 531.) This is a collection of documents made by the editors. They limited their search for material to the archives located in Imola and selected therefrom only charters issued previous to the thirteenth century. With a field thus narrowed they secured the large number of 781 documents, of which two date from the tenth century, thirty-two from the eleventh, and the remainder from the twelfth. About fifty of the documents are grants of privileges by imperial, papal, and other authorities to the town of Imola or its churches, or relate to ecclesiastical causes, municipal affairs, and a few miscellaneous subjects; the remainder are grants of land and wills for the most part made to or by the several churches of Imola. Many of the former have been published elsewhere, but with few exceptions the latter are printed for the first time.

The editors were actuated by a spirit of local patriotism in the production of these volumes, but their work has been executed in accordance with the best principles of cosmopolitan scholarship. The documents are printed in full. Each is preceded by a brief statement of the nature of the contents and followed by notes which supply the necessary critical apparatus. The documents from each repository are grouped together, in order that those relating to the same subject may not be separated, but at the end of the second volume there is a summary of all the documents arranged chronologically. There is also an alphabetical list of the notaries mentioned, a copious index of names and places, and a glossary of words and forms occurring in the charters not to be found in the lexicons of Du Cange and Forcellini. At the end of the first volume there are photographic reproductions of four of the earliest charters.

W. E. LUNT.

Le Mouvement Théologique du XII^e Siècle: Études, Recherches et Documents. Par J. de Ghellinck, S.J. (Paris, Victor Lecoffre, 1914, pp. ix, 409.) This work appeals to those interested in the history of education and of culture in the Middle Ages no less than to the professed theologians. M. Ghellinck has long been engaged in research on the history of the sacraments in the twelfth century and has been compelled to devote much attention to problems of literary criticism in the absence of satisfactory studies in this field. His results have appeared from time to time in various periodicals and these articles have been subjected to thorough revision, supplied with an elaborate apparatus of notes and references dealing with the whole intellectual movement of the tenth, eleventh, and twelfth centuries, and combined into an exceedingly interesting history of these aspects of the twelfth century and their antecedents. The author's interest centres about the *Sentences* of Peter Lombard as summing up the development of the past and forming the point of departure for the theological development of the later Middle Ages. A clear résumé of the contributions of the Carolingian renaissance and the two following centuries is followed by a full and just account of Abelard's place in the history of thought, his methods and their influence on the *Sentences*. The work of the Lombard is then considered and its content, method, and triumph over opposing tendencies of the time described. The third chapter deals fully with the little known canonist Gandulph of Bologna and the relation of his *Sentences* to those of Peter Lombard, especially the question of priority between the two. M. Ghellinck proves that the work of Peter preceded that of his contemporary and served as a model for it. In the fourth chapter is discussed the spread of John of Damascus's writings through the West and their influence on the thought of the twelfth and thirteenth centuries. The fifth and last chapter shows the relation between canon law and theology and the mutual assistance they rendered in solving the great intellectual problem of the Middle Ages, the reconciliation of

the conflicting authority of antiquity. It is the solution of this problem as worked out by Abelard, Gratian, and Peter Lombard that forms the fundamental idea of the book. The exhaustive references and citations make it a storehouse of information for the intellectual history of the period.

A. C. H.

Diocesis Wyntoniensis, Registrum Johannis de Pontissara. Pars prima. [The Canterbury and York Society, part XXXIII.] (London, the Society, 1913, pp. 128.)

Diocesis Herefordensis, Registrum Thome de Charlton. Edited by William W. Capes, M.A., Canon of Hereford. [The Canterbury and York Society, part XXXIV.] (London, the Society, 1913, pp. vii, 244.)

Lincoln Episcopal Records in the Time of Thomas Cooper, S.T.P., Bishop of Lincoln, A. D. 1571 to A. D. 1584. Edited by C. W. Foster, M.A., F.S.A., Vicar of Timberland and Canon of Lincoln. [The Canterbury and York Society, extra part.] (London, the Society, 1913, 1912-1913, pp. xxiv, 447.) The useful records of medieval bishops are continued in the first two of these publications of the Canterbury and York Society. They include the usual instances of appointments, dispensations, ordinations, grants of appropriation, and all the varied judicial, administrative, and financial activities of two English bishops of the thirteenth and fourteenth centuries respectively. Scarcely an aspect of life within their dioceses fails to leave its record, and there are in addition many traces of their relations with the papal centre of the Church.

The third volume is published as an extra part in the series and differs from former publications of this society and from most episcopal registers so far published in coming from the sixteenth century. Notwithstanding the interest of the Reformation period, there is much less documentary material concerning the ordinary life of the Church available than there is for earlier centuries. This record of the diocese of Lincoln during the middle years of Elizabeth's reign is therefore all the more welcome. It is the first-fruits of an agreement for exchange of material between the Canterbury and York Society and the Lincoln Record Society. Although Bishop Cooper was the butt of one of the liveliest and most scurrilous of the Martin Marprelate tracts, he seems to have been a moderate, intelligent, and laborious prelate, one of the best of the Elizabethan bishops. The two *libri cleri* which make up the most interesting part of this volume give testimony to the need for all the efforts of the bishop to lift a quite appreciable part of his clergy to any respectable degree of learning or piety. The volume contains also lists of admissions and ordinations, transfers of advowsons, resignations, and evidences of the actual working of the Elizabethan church system in the entries in the bishop's register.

E. P. C.

Magna Carta: a Commentary on the Great Charter of King John. With an Historical Introduction. By William Sharp McKechnie, M.A., LL.B., D.Phil., Lecturer on Constitutional Law and History, University of Glasgow. Second Edition. (Glasgow, James MacLehose and Sons, 1914, pp. xvii, 530.) In the second edition of this work which we now have before us,

an endeavor has been made [to quote the words of the author], by severe condensation, to find room . . . for whatever seemed relevant and of permanent value in this mass of new material [*i. e.*, that appearing since the first edition in 1905], without sacrificing anything of importance contained in the first edition. . . . the whole work has been recast; hardly a page, either of Commentary or of Historical Introduction, remains as originally written. . . .

The new material will be found mainly (1) in the portions of the Introduction treating respectively of scutages, the Coronation Charter of Henry I., the juridical nature of Magna Carta, its contemporary and permanent effects on constitutional development, its reissues by Henry III., and the nature of the so-called "unknown charter" of John; and (2) in chapters 12, 13, 14, 18, 20, 25, 27, 34, 38, 39 and 61 of the Commentary.

Occasion was taken in the review of the first edition in 1905 (AMERICAN HISTORICAL REVIEW, XI. 137-138) to make various unfavorable criticisms; *e. g.*, upon the lack of attention shown by the author to the American literature bearing upon the subject; the neglect of Liebermann's collation of the texts of the Coronation Charter of Henry I.; the omission of the definitive edition of Magna Carta of 1225. We are now happy to testify that these strictures no longer apply. One might to be sure interpose objections here and there, as in the case of the author's treatment of Professor Adams's views upon the omission of tallage in ch. XII.; but as a whole the edition is much improved and the author deserves congratulations upon his successful presentation of a difficult subject.

We note, in closing, that the Carnegie Trustees for the Universities of Scotland made a grant towards the expenses of the edition.

HENRY L. CANNON.

Cartulaire de l'Église Saint-Lambert de Liège. Publié par Édouard Poncelet, Conservateur des Archives de l'État à Mons. Tome V. [Académie Royale de Belgique.] (Brussels, Kiessling et Cie., 1913, pp. 764.) This volume contains analyses of 3487 documents dating from 1390 to 1797, eighteen documents printed in full, and a copious index of proper names. The rich and varied materials are primarily of interest for the history of Liège, but also cast light on many aspects of the ecclesiastical and secular history of the papacy, France, the Empire, Austria, the Netherlands, and Flanders. M. Poncelet, who takes up the editorial task with this volume, has added greatly to the completeness of the col-

lection by the utilization of several sources not used by the editors of the preceding volumes. Because of his silence with regard to any change, we may perhaps assume that he has adhered to the intention of the former editors to make the work a collection of the now scattered documents which once belonged to the dean and chapter of Liège (I. xxvi-lit), but he supplies no explanation of the nature and history of the new sources, or of their relations to the sources previously used. The new editor has also substituted analyses in French for the full texts given in the first four volumes. Since the writer of this notice has been unable to consult the originals, he cannot judge of the quality of these analyses. In quantity, however, they vary considerably. Some documents are passed by with a bare indication of the nature of their contents. Such an entry, for example, as "Texte du serment des châtelains, bâtonniers, allodiaux, du costre de Liège, des fermeteurs" (3953), can scarcely be regarded as an analysis. Whoever might be interested in the terms of the oath would still have to refer to the original. But I do not wish to convey the impression that the work is a mere inventory. The majority of the analyses may be compared favorably with those in other works edited on the same plan, and nearly all documents of more than local interest are thus analyzed.

W. E. LUNT.

Selections from the Correspondence of Arthur Capel, Earl of Essex, 1675-1677. Edited for the Royal Historical Society by Clement Edwards Pike, F. R. Hist. S. [Camden, Third Series, vol. XXIV.] (London, the Society, 1913, pp. xv, 162.) The material for unravelling the tangled skein of Restoration politics is slowly, too slowly, finding its way to print. We have long lacked the most essential matter for the elucidation of the difficult period between the end of the Second Dutch War and the Popish Plot, which is but partially supplied by the appearance of the *Calendars of State Papers, Domestic*; scattered contributions such as are contained in the Historical Manuscripts Commission *Reports*; and the collateral evidence of such publications as the new edition of Burnet. For a student of the reign of Charles II., therefore, the appearance of this volume of Essex Papers is a particularly welcome event, however he may regret its limitations. Nearly twenty-five years ago Mr. Airy edited for the Camden Society what was known as "*Essex Papers, volume I., 1672-1679*". The title, as everyone who has consulted the volume knows, was misleading, as the book covered only the period from April, 1672, to April, 1675, and no second part has ever appeared. This, with Essex's letters of 1675, published as long ago as 1770-1773 in three editions, comprises virtually all material accessible in print from the letter-books of Arthur Capel which cover the years 1672-1677 (B. M., Stowe MSS.); and, despite the statement of the present editor who has not included in this collection the 1675 letters printed a century and a half ago, the volume containing them

is not usually nor easily attainable. Mr. Pike has begun his labors with the unpublished letters, the first of which is dated April 27, 1675, and has printed a selection extending to June, 1677. With few exceptions communications relating to foreign countries have been omitted, together with most of Sir William Temple's correspondence, chiefly referring to the Nymwegen negotiations—omissions which to some minds will seem peculiarly tantalizing. Nevertheless, this publication puts at our disposal a considerable amount of new or corroborative material, the intrigue to remove Essex, the manoeuvres of Danby, described from two very opposite points of view, the violent disturbances in Parliament accompanying the first set engagements between the newly organized court and country parties over the issues of foreign politics, and the quarrels between the Houses, together with much material for the situation and administration of Ireland at this time. These all add to our comprehension even though they reveal no startling new facts, and for this we may be thankful. Fortunately, too, Mr. Pike's conception of an index is a great advance on that of Mr. Airy, and though we might desire considerable expansion of many notes and the inclusion of more material, we may well be grateful for this book and hope for the speedy appearance of Temple's letters whose publication in some form is hinted at in the preface.

W. C. ABBOTT.

The Quakers in Great Britain and America: the Religious and Political History of the Society of Friends from the Seventeenth to the Twentieth Century. By Charles Frederick Holder, LL.D. (New York, Los Angeles, London, The Neuner Company, 1913, pp. 669.) Dr. Holder, chiefly a writer on natural history, has aimed at producing a popularly written, well illustrated, condensed history of Quakerism as a whole, from the birth of George Fox to the present time. His book has interesting illustrations and has been prepared with industry and zeal; but it is not marked by learning or by insight, or an orderly presentation, or an adequate sense of proportion. It is in fact a hasty, amateurish, and uncritical compilation.

William Godwin (1756-1836). Par Henri Roussin. (Paris, Plon-Nourrit et Cie., 1913, pp. vii, 336.) In this monograph, which is dedicated to Bergson, M. Roussin undertakes to trace the subjective mental development of Godwin. He makes no attempt to determine the influence of others on Godwin or the influence of Godwin on the writers who came after him. He is ready to admit that it is impossible to discover in Godwin's work a single idea that is original with him (p. 167). The author merely sets for himself the task of finding out why Godwin should have rejected other ideas and have accepted those that were set forth in *Political Justice*. The explanation, M. Roussin concludes, lies in the fact that Godwin carried his Calvinistic Protestantism to its

logical conclusion. "Godwin is a logical Protestant. It is of no importance that at the age of thirty he lost his faith" (p. 175). In other words, M. Roussin believes, without troubling himself much about the difficulties in establishing such a thesis, that the anarchistic doctrines of Godwin are inherent in Calvinism. The French Revolution, therefore, had no further influence on Godwin than to stimulate him and to urge him on to the conclusions latent in his Protestant beliefs.

In order to show how the French Revolution played this limited part in shaping Godwin's views, M. Roussin thought it worth while to include in his study a chapter on England and the French Revolution. In this chapter and in other parts of the book as well the author gives evidence of a decided unfamiliarity with conditions in England in that period. He speaks of Burke, for example, as a "partisan d'une réforme électoral" (p. 52). Again, he boldly asserts that Pitt instigated a plot which resulted in the riots at Birmingham in 1791, a view to which none of the authorities quoted by M. Roussin assents.

M. Roussin seems to have had trouble with his English names. "Greeve" appears in one place for Greene (p. 65), and one wonders why Sir Philip Francis should be called "Philippe" (p. 53), even in a French monograph, or why the author of the Utopia should appear as "Morus" (p. 169). There seems to be no very good reason why the author should in every case translate the names of the English political societies to which he refers. But, having adopted the policy of translating pretty much everything, there would seem to be little excuse for the appearance on the same page of both the French and the English versions of the title of Godwin's principal work, with no apparent reason for the difference except the author's good pleasure.

WILLIAM THOMAS LAPRADE.

Das Befreiungsjahr 1813: aus den Akten des Geheimen Staatsarchivs. Herausgegeben von Julius von Pflugk-Harttung. (Berlin, Union Deutsche Verlagsgesellschaft, 1913, pp. xix, 460.) This book on 1813 was made by copying excerpts from those sections of the Prussian archives which contain reports to Hardenberg, who was official head of numerous departments, and from reports from Blücher's headquarters, and from the military governments between Elbe and Vistula. The 337 letters, reports, reprints from newspapers, etc., are arranged in strictly chronological order. The intention to emphasize economic conditions, fluctuations of public opinion, the course of battles and campaigns, is revealed, not by the arrangement, but by the fact that the reader can find more documents on these topics. Considering the want of system in grouping material and the strict limitation to the archival material from certain government departments, the results are rather better than one might expect, but hardly an equivalent for the labor required of the general reader for whom, strange as it may seem, this book is intended. From the mass of undifferentiated material one can winnow out those

documents which breathe the spirit of the Prussian people in 1813. It is the story often told of offers of money, horses, grain, cloth for uniforms, and even wedding rings; of the rush to arms to drive out the French, girls offering to enlist (no. 55), or urged by zealous patriots to refuse to kiss the swains who do not fight the oppressor (no. 37); the bishop of the Moravians offering the services of his flock; nobles offering to raise companies and asking only arms and governmental support. The picture is not without its shadows, *e. g.*, the decree against the father who would not let his son enlist, the Westphalian masses waiting to see which way victory inclined, the timidity in Berlin, the terrors and alarms at the merest rumors until after Leipzig. There are interesting reports on the fate of Lützow's corps (nos. 149, 150, 153), and eleven documents tell in a fragmentary way the story of Gross-Görschen, and thirteen give a stirring contemporary picture of the battle in and around Leipzig. The most vigorous documents are from the pen of Blücher. The last one in the volume reports his crossing the Rhine at Caub and closes, "ich muss schlissen, der Schlaff dringt mit gewald uf mich ein".

I should judge that Pflugk-Harttung had given no serious attention to the questions of exclusion and arrangement, but had rather armed his assistants with scissors and paste and then let them exploit the great mass of material upon which he has based his excellent volumes on this period. The result is another centennial volume on 1813 which would have been twice as serviceable if it had been half as bulky.

GUY STANTON FORD..

La Reine Hortense en Exil. Par Ch. Gailly de Taurines. (Paris, Hachette et Cie., 1914, pp. 312.) The lives of the various members of the Bonaparte family will always appeal to those who like their history highly seasoned. The fugacity of fortune is so well exemplified in them that the most impenitent moralist is satisfied to let the facts produce their own sobering impression, without any re-enforcement from himself, and this is a considerable gain.

Hortense Beauharnais was the daughter of a viscount who was guillotined during the Revolution, was herself apprenticed to a dress-maker during the Terror, shortly became a princess, then Queen of Holland, and, after Waterloo, passed into a life of exile which was to last twenty-two years, ended only by her death in 1837 at her favorite residence, the chateau of Arenenberg on the shores of Lake Constance.

The account of these years, given in this book, is interesting, slight, graceful, and artistic, like the Queen of Holland herself, and is, like her, not very deep. The author's style is gently but pervasively sentimental, with just the touch of melancholy that is appropriate to the subject. Instructive, though by no means novel, are the evidences of the ingratitude of men toward their benefactors, and the saving loyalty of the few. Amusing, as always, are the revelations of the more than mortal fatuity of the political police of the Metternichian period, its

incredible talent for the discovery of mare's nests. When Hortense wished to take the whey cure in Appenzell the chanceries of Europe were moved, if not rocked, and a lively interchange of their perturbations, suspicions, premonitions showed how shallow the human mind can be, under provocation and favorable circumstances. In the name of the Prophet—figs! is one's natural exclamation when one reads this account of the petty persecutions of a woman who never took life *au grand tragique*, who asked only to live quietly in sunshine or in shade, who had no remote velleity to overthrow the work of the Congress of Vienna, but who wished merely to be permitted to enjoy in peace her sketching and her music and her poetry and her son Louis, familiarly called "Oui-oui" in his early years, and later redoubtable as Napoleon III.

A readable and pleasing book into the making of which some scholarship and much literary art have entered.

CHARLES DOWNER HAZEN.

The Power of Ideals in American History. By Ephraim Douglass Adams, Ph.D., Professor of History, Leland Stanford Junior University. (New Haven, Yale University Press, London, Humphrey Milford, Oxford University Press, 1913, pp. xiii, 159.) The lectures printed in this book were delivered on the Dodge Foundation at Yale University, which assigns to succeeding lecturers the general topic of "The Responsibilities of Citizenship". In this instance the author, as a professional historian, has appropriately selected for examination certain ideals which he conceives to have been notably influential in the course of American history, namely, nationality, anti-slavery, manifest destiny, religion, and democracy. In each case he has sought to prove, in opposition to current doctrines of economic determinism, the efficacy in politics of distinctly ideal motives. He points out, for instance, that such a political catchword as the "American system", though employed to promote the material advantage of certain sections and classes, could be useful only in so far as it appealed to the rising sentiment of nationality among many voters, who were conscious of no tangible economic interest in protection. In dealing with "anti-slavery", the religious and idealistic character of the agitation is insisted upon. The spread of that movement was in opposition to the "immediate economic interest" of the North which demanded peaceful commerce with the slave-holding South; "and it is the obvious economic interest, not the basic one, that makes itself felt in political action".

The author is by no means an unqualified apologist for "manifest destiny"; but he seems to be on debatable ground in claiming that "No economic basis whatever can be found for it after the annexation of Texas". Another chapter contains a sympathetic and just appreciation of the social service rendered by the home missionaries in the Middle West.

There are some questionable generalizations. It is doubtful whether the South as a whole "held the theory of a democracy of wise men, that is, in practice, of an intellectual aristocracy, directly opposed to the Northern ideal of a government of average men". How would such a formula apply, let us say, to the Massachusetts of Webster and Choate, as against the Democrats of Texas or Tennessee? It is hard to reconcile Professor Adams's insistence on the "lack of any feeling that democratic government was at stake", in the Civil War, with certain familiar passages of Lincoln's message to Congress in July, 1861.

Though many of the illustrations are familiar, some are distinctly fresh, and the generalizations, even when debatable, are suggestive. On the whole, one feels that the author has known how to be patriotic without being unscientific. He has no quarrel with the economic historian *per se*, whose real services are fully recognized.

EVARTS B. GREENE.

Forerunners and Competitors of the Pilgrims and Puritans, or Narratives of Voyages made by Persons other than the Pilgrims and Puritans of the Bay Colony to the Shores of New England during the First Quarter of the Seventeenth Century, 1601-1625, with especial Reference to the Labors of Captain John Smith in Behalf of the Settlement of New England. Edited for the New England Society of Brooklyn by Charles Herbert Levermore, Ph.D., Professor of History, Adelphi College. In two volumes. (Brooklyn, the Society, 1912 [1913], pp. xi, 1-387, x, 389-852.) These two handsome volumes have been printed by the New England Society of Brooklyn solely for gratuitous distribution among its present and future members. As no copies will be placed on the market, some of the ordinary reasons for reviewing the book are wanting. But such volumes are usually, after a time, procurable to a limited extent by libraries and individuals, and these in particular are so good and so useful that their merits should be known. There is no doubt that early New England history has been written too much in one manner, that is, by concentrating attention on the Pilgrims and the main stream of Puritan migration to the Bay, and neglecting the settlements independent of these, and the background of preceding exploration and attempted colonization. Any one who remembers the pleasurable improvement of horizon he got from reading Mr. Charles Francis Adams's chapters on "The Settlement of Boston Bay" will enjoy, on a larger scale, Dr. Levermore's series of narratives of early visits to the New England coast in general. Beginning with Gosnold's voyage, he prints both Brereton's and Archer's narratives, and Purchas's voyage of Pring. Then follows the first book of Champlain, from the Prince Society's translation, and the fourth book of racy, open-air Lescarbot, from the contemporary translation of Pierre Erondelle, but with that translator's numerous omissions supplied. The Champlain Society's version was not yet available. Rosier's narrative and that of Davies, supplemented by

Strachey, follow. The second volume contains the narratives of Juet, Argall, Biard (tr. Thwaites), Lescarbot (fifth book), Dermer, Levett, and Phineas Pratt, the sixth book of Captain John Smith's *Generall Historie of Virginia*, and his *Advertisements for Unexperienced Planters*. Most of these exist already in modern editions, but many are now hard to procure, and it is a distinct advantage to have them all brought together in one book, where they can tell a continuous story. This is particularly true of Captain John Smith, whose contributions to New England history commonly receive less attention than they should have. Dr. Levermore's notes are adequate, and his introductions, though in the well-worked field of early New England history not much that is positively new can be said, are accurate, judicious, and informing.

Publications of the Colonial Society of Massachusetts. Volume XIV. Transactions, 1911-1913. (Boston, the Society, 1913, pp. xvii, 447.) The Colonial Society of Massachusetts is one of those local organizations of which there are all too few in this country, in which a group of gentlemen, with scholarly tastes and real interest in historical matters, meet a half-dozen times in the year for the purpose of hearing and discussing the papers prepared for the occasion and "inspiring among [their] members a spirit of fellowship based upon a proper appreciation of . . . [their] common ancestry". The volume under review carries out precisely the purpose of the society. Its contents are of interest rather to the antiquarian than to the historian, as may readily be shown by a reading of the table of contents. The material here collected is of several varieties. For example—there are short papers intended to clear up misinformation or incorrect interpretation, as are Professor Kittredges's notes on Lady Holworthy and the Dissenting Clergy, and his paper on Cotton Mather's Election into the Royal Society. There are longer papers of interest to students of education in the colonies—of which an especially interesting one is Mr. Foster's on the Burning of Harvard Hall in 1764, with its accompanying documents; and Mr. Matthews's contribution on the attendance at Andover Academy of the great-nephews of President George Washington. Still another variety is illustrated in the able critical study by Professor Greenough on John Dunton's Letters from New England, in which the sources of Dunton's information are set forth in scholarly fashion, with notes. These examples show the general character of a volume which has much of value for the historian whose primary interest is in local history, and who especially wishes to clear up controversial points. The index is admirable, and the whole volume is a beautiful piece of book-making.

LOIS KIMBALL MATHEWS.

Journals of the House of Burgesses of Virginia, 1695-1696, 1696-1697, 1698, 1699, 1700-1702. Edited by H. R. McIlwaine. (Richmond,

Virginia, 1913, pp. liii, 414.) Mr. McIlwaine's stately series of volumes proceeds at the excellent rate of rather more than one per annum, for the first, containing the last journals of the House of Burgesses for the years just before the Revolution, appeared in 1905, and the present is the eleventh. It presents the official records of five assemblies, and of ten sessions. Most of them were short, but several were important. Sessions of the Burgesses in war-time were likely to be important, because of the special taxes requisite, and several of these sessions were occupied with King William's War and the attempt to secure aid for New York, or with preparations for Queen Anne's War. Andros was governor during the first half of the period, Nicholson during the second. The speakers were Philip Ludwell, Robert Carter, William Randolph, Robert Carter, and Peter Beverley. The first three assemblies held their sessions at Jamestown, the other two, after the burning of the Jamestown state-house, at the College of William and Mary in Williamsburg.

It is impossible to dwell upon all the matters of interest in each session—legislation, taxation, defense of the frontiers, Indian relations, piracy, the building of the new capital, contested elections. But it may fairly be said, to any to whom this fine but expensive series is unknown, that the volume before us contains more material for the history of Virginia in these seven years, 1695–1702, than has been presented in all previously published books put together. The editorial introductions bring out much of what is important in all this.

Even for one who is not specially interested in the events of Virginian history, the book presents much that is interesting to the student of parliamentary procedure in America. Take for instance the matter of standing committees. The House of Burgesses was the chief medium which carried over this system of procedure from the House of Commons, which in the seventeenth century possessed the device but later abandoned it, to the federal and state legislatures of independent America. In the present volume we see, fully established in regular operation, the Committee of Privileges and Elections (English in origin), the Committee of Propositions and Grievances (English), and the Committee of Claims. The Committee of Courts of Justice was not instituted till 1728.

To the special student of old Virginia, there is also much that is interesting to be derived from Mr. McIlwaine's lists of burgesses in the successive assemblies. The first, that of 1695, had representatives from twenty-three counties and Jamestown. Of these forty-seven burgesses, more than thirty bear names since famous in Virginia history.

Historical Register of the Officers of the Continental Army during the Revolution, April, 1775, to December, 1783. By Francis B. Heitman. New, revised, and enlarged edition. (Washington, the Rare Book Shop Publishing Company, Inc., 1914, pp. 692.) The *Historical Register* was first published in 1893 and included the names of about

8000 officers of the Continental army. Notwithstanding the incompleteness of the records of many of the military organizations of the Continental army the compiler believed that fully nine-tenths of the names of the Continental officers had been included, although the individual records of service were in many cases incomplete. Since then the records in the War Department have been made more accessible and much additional material has been gathered into the department or has been made available elsewhere, and although the record is still incomplete, the new edition of the *Register* lists about 14,000 names, and individual records have to a considerable extent been corrected and enlarged. This enlargement of the record is especially noticeable in the cases of the Carolinas and Georgia, particularly in the statement of their regimental organizations. In general there are additions of identical names, and, contrariwise, there is an occasional consolidation of records under a single name. One sort of comparison shows, for instance, that the Browns have increased from 75 to 102, the Joneses from 51 to 71, and the Smiths from 121 to 166. Some new kinds of material have been added, particularly a list of the signers of the Declaration of Independence, and a list of the general and field officers of the brigades and regiments encamped at Valley Forge in the winter and spring of 1777 and 1778. There seems to be no sufficient reason for including in a register of the officers of the Continental army a list of the signers and adding their names to the biographical record, for they were not officers of the army. Neither do the signers bear any distinction, other than a purely sentimental one, from other members of the Continental Congress. It appears also that the compiler would have been justified in alphabetizing the "Schedule of the Names and Rank of most of the Officers of the War of Independence", reprinted from the War Department's report of 1827. It is blandly stated at the head of this schedule that it is arranged alphabetically, but it is far from being so. This is of course a minor matter. The usefulness of the work has been much enhanced by its greater completeness and regard for authenticity.

Publications of the Buffalo Historical Society. Volume XVII. Edited by Frank H. Severance. (Buffalo, published by the Buffalo Historical Society, 1913, pp. xxxvi, 453.) The contents of the seventeenth volume of the *Publications* of the Buffalo Historical Society are of a more varied character than those of its immediate predecessors, which have usually dealt with some particular topic or group of kindred topics connected with the local history of that region. The former standard of excellence is well sustained. An able appreciation of the life and philanthropic activity of the Hon. William Pryor Letchworth from the pen of the late J. N. Larned is given precedence. Henry Ware Sprague contributes an eulogistic biographical sketch of L. G. Sellstedt, an artist of considerable talent. An account of the semi-centennial exercises of the society naturally occupies some space, and the

addresses delivered on that occasion at the unveiling of tablets in the historical building in memory of Millard Fillmore and Grover Cleveland, who were both citizens of Buffalo when they became presidents of the United States, are republished in full. The gossip papers entitled *Recollections of Early Buffalo*, by Mrs. Julia P. Snow, *Some Early Buffalo Characters*, by Frank M. Hollister, and *Memories of Early Days in Buffalo*, by Sylvester J. Matthews, have much local interest. The singular document entitled the Case of Benjamin Rathbun, written by himself while serving a term of five years' imprisonment for forgery, is an elaborate plea in justification of the amazing financial transactions which led to his trial and conviction.

The most valuable portion of the book in a strictly historical sense, comprises the documents relating to the War of 1812, printed from a letter-book of Sir Roger Hale Sheaffe, now owned by the Hon. James Hilton Manning of Albany, New York. They are 172 in number and fill 107 pages. Nearly all were written during Sheaffe's brief period of command in Upper Canada between October 13, 1812, and April 20, 1813. Among them are copies or summaries of official letters addressed by him to Sir George Prevost, Generals Van Rensselaer and Smyth, Colonels Baynes, Procter, and Vincent, and other officers of lesser rank, and letters or extracts from letters received from them. Some of these in the original or transcript are preserved in the military correspondence in the Canadian Archives and have been printed before, but most of them, it seems almost certain, cannot be found elsewhere. They add materially to our knowledge of military operations at that time and the references they contain to other missing letters of some importance are suggestive and may lead to their discovery.

The typography and binding are excellent and the volume is illustrated with well-executed portraits of the board of managers and several deceased members. The editor has performed his task with care and good taste and has supplied an adequate index.

E. A. C.

In Freedom's Birthplace: a Study of the Boston Negroes. By John Daniels. (Boston and New York, Houghton Mifflin Company, 1914, pp. xiii, 496.) This is a most painstaking study of the development and present status of the negro in the community which led in making Massachusetts the first of the states to end slavery, and which, half a century later, became the home of *The Liberator* and of the New England Anti-Slavery Society. In recent years, Boston has contributed very large sums of money to work for the negro at the South, but has interested herself but little in the serious problem of the negro within her own borders.

In eight or nine years of close study of the Boston negro's characteristics and progress, the writer has accumulated a great mass of information which he sets forth with skill and frankness. He has

made searching analysis of the negro's record in social construction and ethical growth, in the upward struggle of the negro church, and in the use he has made of the ballot. As to the negro's economic achievement, the writer finds him largely engaged in menial tasks, and is forced to the conclusion that "in economic opportunity the negroes, in spite of prejudice, have almost as much as they on the average and collectively merit".

Aversion to the negro—an aversion which has apparently been growing in recent years—he believes to be grounded upon a recognition of the negro's past and present inferiority. The deficiencies attributed to the negro are summed up in the fact that the negro is lacking "in fundamental moral stamina". Unlike other stocks which have come to us, the negro has had no race pride, for the reason that as yet he has had little history which warrants pride.

Mr. Daniels's studies have convinced him that the negro's present incapacities are those of a growing child as compared with a mature adult. The surest way in which he will succeed in overcoming the prevailing attitude in his disfavor will be by becoming more and not less a negro than he is to-day. He must come to respect himself, and to develop—as Mr. Robert A. Woods, in the introduction, says—capacity "for loyal, continuous, result-getting team-work" with men of his own race. Mr. Daniels insists that the negro will find the handicap of prejudice and discrimination growing less in proportion as he equips himself to render intelligent service. And the reassuring thing about this study is its abundant evidence that, despite his discouragements, the Boston negro "is laying the foundation upon which to build".

Escudos Primitivos de Cuba. Contribución Historica por Domingo Figarola-Caneda, Director de la Biblioteca Nacional de la Habana. (Havana, 1913, pp. 118.) In this modest volume, privately printed in an edition of only 300 copies, Señor Figarola-Caneda presents, with illustrations, the history of the coats of arms of Cuba and of its municipalities. The historical research is carefully done, and since the bestowal of arms on a city was often an accompaniment to the bestowal of the more important municipal privileges, the documents quoted at full length have a noticeable historical value. The figures are taken from various sources, such as the very rare *Atlas Cubano* of 1841, or the decorations of the council-chambers of *ayuntamientos*. The oldest seems to be that of Santa Maria del Rosario, from a paper of 1739. Most of them, and of the documents, are of the nineteenth century. The book shows striking evidence of the precarious life of historical materials in Cuba. The *reales cédulas*, preserved in Spain, are in some cases older (Cuba 1516, Havana 1665).

NOTES AND NEWS

From June 18 to September 18, the address of the managing editor of this journal will be "North Edgcomb, Maine". Telegrams and express parcels should be addressed "Wiscasset, Maine".

AMERICAN HISTORICAL ASSOCIATION

Dr. Otto L. Schmidt has been appointed chairman of the Conference of State and Local Historical Societies at the December meeting of the American Historical Association, in place of Mr. Clarence Burley, who was unable to serve.

Professor Cole's prize essay, *The Whig Party in the South*, and the reprint of Professor Muzzey's *The Spiritual Franciscans*, have been published. The *Annual Report* for 1912 would have been issued by this time but for a shortage of the proper kind of paper at the Government Printing Office, due to a large defective supply. The volume will be distributed during the summer. For the Historical Manuscripts Commission's report in the *Annual Report* for 1913, the papers of James A. Bayard (1767-1815), commissioner at Ghent, are being edited. They are lent by the kindness of Mr. Richard H. Bayard of Baltimore.

The London headquarters has been temporarily established in excellent rooms at 8 Southampton Street, High Holborn. The formal opening was made by the American ambassador, Dr. Page, on June 15. The secretary, Mr. A. Percival Newton, may be addressed there; subscriptions toward the furnishings, etc., may be sent to the managing editor of this journal.

Members interested in problems connected with the nomination and election of officers and the government of learned societies will find a valuable article on the subject in *Science* for May 15, by Professor H. Austin Aikins of Western Reserve University, who has collected data relative to the procedure of several scores of American organizations of this sort.

The *Bibliography of Modern British History*, it is now announced, will be published in America by Longmans, Green, and Company. The committee of the Association has issued an appeal for subscribers to the whole work at the price of \$12. After the publication of the first volume the price will be \$15. Subscriptions and payments should be made to the treasurer of the committee, Professor Roger B. Merriman, 175 Brattle Street, Cambridge, Massachusetts.

Writings on American History, 1912, the latest issue of this annual bibliography, a volume of 199 pages, has come from the Yale University Press. Members of the Association are urged to purchase the volume, not only because of the value of the series to students of American history, but also in order to encourage the publishers in their disinterested undertaking of the book.

Professor Henry A. Sill contributes to the April number of *The History Teacher's Magazine* a paper entitled "Two Periods of Greek Expansion", namely, the early period of trans-Aegean migration, and the period of extensive colonization throughout the Mediterranean. Professor Herbert D. Foster writes in this issue concerning Adequate Tests in History. In the May number Professor William I. Hull discusses the International Interpretation of United States History, Professor D. C. Shilling, Some Problems of History Teaching, and Professor F. M. Fling, the Use of Sources in Teaching Greek History. The June number is marked by an admirable article on the Choice and Use of Books relating to the History of Greece, by Professor George W. Botsford.

PERSONAL

Otto Henne am Rhyn, for many years (1859-1872, 1885-1914) archivist and librarian of his native canton of St. Gallen, died there on April 30, at the age of eighty-six. His histories of the canton and of Switzerland, his *Kulturgeschichte des Deutschen Volkes* (1886, 1893), and his *Allgemeine Kulturgeschichte* (1897, 1899) are highly regarded.

Dr. James Hamilton Wylie, for thirty years an inspector of schools, the Ford Lecturer at the University of Oxford in 1900, and more recently an inspector for the Historical Manuscripts Commission, died in March at the age of seventy. For many years his leisure had been entirely devoted to the collection of material on the reigns of Henry IV. and Henry V., his work on the former having been published between 1884 and 1898. The first volume of his *Reign of Henry V.* had but recently appeared and will be reviewed in an early number of this journal. In addition to these works Dr. Wylie had also published *The Council of Constance to the Death of John Hus* (1900).

Dr. Adolph F. A. Bandelier, one of the most noted authorities in American archaeology, died in Madrid on March 19. Born in Bern in 1840, Dr. Bandelier had lived in the United States since his youth, but had travelled extensively, under the auspices of various American societies, in various parts of our southwest, of Mexico, and of Central and South America. His various publications for the Hemenway Archaeological Expedition, his *The Gilded Man*, and his more recent volumes on the Indians and aboriginal ruins of Chachapoyas and Titi-caca in Peru and Tiahuanaco in Bolivia have been contributions of great value to students in their respective fields.

Professor Newton Horace Winchell, of Minneapolis, died there on May 2, at the age of seventy-four. For twenty-eight years he was state geologist of Minnesota, but from 1906 had charge of the department of archaeology of the Minnesota Historical Society, publishing in 1911 an important work on the *Aborigines of Minnesota*.

Miss Agnes M. Wergeland, head of the department of history in the University of Wyoming and a woman of great learning, of various talents, and of much nobility and simplicity of character, died on March 6. Born in Norway in 1857, she was graduated at Zürich, and taught at Bryn Mawr and the universities of Illinois and Chicago. She had been a professor in the University of Wyoming since 1902.

Major-General Don Francisco J. Vergara y Velasco, distinguished as historian, as professor, as geographer, and as soldier, the initial volume of whose calendar of the archives of Colombia was noted in our January issue (XIX. 407), died in Barranquilla on January 21 at the age of fifty-four. His chief works were a general *Historia de Colombia* and a valued treatise on the *Campana de 1818* in the War of Independence. The February number of the *Memorial del Estado Mayor del Ejército de Colombia* is devoted almost entirely to him.

Professor Sidney B. Fay, of Dartmouth College, has been elected professor of European history in Smith College, to take the place of Professor Charles D. Hazen, resigned. Professor Frank M. Anderson of the University of Minnesota has been elected to Dr. Fay's place.

Senhor Manoel de Oliveira Lima, J. D., of Brazil, is to serve at Harvard as professor of Latin-American history and economics during the second half of the next academic year. Dr. Howard L. Gray has been promoted to an assistant professorship in the same university.

Dr. Frederic Duncalf, of the University of Illinois, has been elected professor of medieval history in the University of Texas.

Dr. Carl F. Huth has been made assistant professor of ancient history in the University of Chicago.

Professor A. L. P. Dennis of the University of Wisconsin has been granted leave of absence for the year 1914-1915. Associate Professor W. L. Westermann has been promoted to a full professorship in that university.

Professor Percy F. Martin of the University of California has a half-year leave of absence for the first semester of the year 1914-1915, which he will spend in study and travel in Europe, especially in Spain. Mr. Samuel E. Morison, of Boston, teaches in the same university from June of the present year to December, inclusive.

GENERAL

General review: R. Schneider, *Chronique d'Histoire de l'Art* (Revue des Questions Historiques, April).

The preliminary announcement for the nineteenth International Congress of Americanists, to be held in Washington, October 5 to 10, is now available in print. Hon. John W. Foster is president, Professor William H. Holmes of the United States National Museum, chairman of the organizing committee, and Dr. Aleš Hrdlička of the Museum, secretary. The papers and discussions will relate to American anthropology, to American archaeology and ethnology, including folk-lore, linguistics, and comparative psychology, and to American history and geography in so far as these relate to the preceding. The sessions for the reading of papers will be held in the United States National Museum, which will also be the headquarters of the congress, but there will also be a reception at the Pan-American Building, a dinner offered by the Carnegie Endowment for International Peace, visits to Mt. Vernon, to Georgetown University, etc., and an excursion to the aboriginal quarries and workshops of Piney Branch. An excursion of two or three weeks to the classical mound regions of Ohio, Illinois, and Missouri, and to Santa Fé and the pueblo region is also planned. It is not yet certain whether an additional session of the congress will be held at La Paz, Bolivia. The full programmes will be obtainable from the secretary in September. Additional memberships are much desired.

Just as this journal goes to press arrives the first number (June, 1914) of *The Mississippi Valley Historical Review*, a handsome royal octavo of 163 pages, to which we extend a cordial welcome. The leading articles are: one on the United States and Mexico, 1835-1837, by Professor E. C. Barker; one on Louisiana as a Factor in American Diplomacy, 1795-1800, by Professor J. A. James; a general review of McMaster's eight volumes, by Professor Carl R. Fish; and a survey of the historical activities of the last year or two in the Old Northwest and Eastern Canada. Some interesting documents are printed, and forty-two reviews of books in various fields of American history and political science. On the briefest inspection (all that is now possible) the new journal seems worthy of hearty commendation and support.

The March *Bulletin* of the New York Public Library contains a useful note on the bibliography of the *Journals* of the General Assembly of the colony of New York, especially for the period 1768-1775, for which the library has recently acquired the only consecutive set of journals known. The April number finishes the list of works in the library relating to numismatics and continues that relating to Scotland, which is finished in the May number.

Two lectures delivered before the University of London in October, 1913, by Professor H. Delbrück, have been published under the title *Numbers in History* (London, University of London Press, 1913, pp. 77). By discussing how the Greeks defeated the Persians, the Romans conquered the world, the Teutons overthrew the Roman Empire, and William the Norman took possession of England, he shows that mere

weight of numbers has not been the deciding factor in many of the greatest struggles in history.

The Hamburg Historical Society has published B. Hagedorn's *Die Entwicklung der wichtigsten Schiffstypen bis ins 19. Jahrhundert* (Berlin, Curtius, 1914, pp. xvi, 138).

The February number of the *Revue de Synthèse Historique* is devoted, even to the advertisements, to the history of art. V. Chapot contributes an article on "Les Méthodes Archéologiques"; L. Hourticq, on "La Méthode en Histoire de l'Art"; and L. Réau, under the title "Un Théoricien de l'Histoire de l'Art", reviews Hans Tietze's "Die Methode der Kunstgeschichte" (Leipzig, Seemann, 1913, pp. 489). A series of articles deals with the teaching of the history of art in France, Germany, England, Austria, Belgium, Italy, and Switzerland. The reviews deal with many of the more important publications on the history of art during the last two years.

The Archaeological Institute of America now adds to its scientific *Bulletin* a more popular magazine, *Art and Archaeology*. The intention is to supply intelligent readers with an interesting illustrated account of recent progress in the fields to which the Institute is devoted. The first number, July, 1914, makes an excellent beginning. Dr. W. H. Holmes of the National Museum has a good paper, opening a series on Masterpieces of Aboriginal American Art, this first being on stucco-work; Professor E. K. Rand discourses on the School of Classical Studies of the American Academy in Rome; Professor Allan Marquand on Luca della Robbia's Visitation, at Pistoia; Professor A. T. Clay on Ancient Babylonian Antiquaries; Miss Edith H. Hall on the Excavations at Vrokastro, Crete, in 1912. All the articles are short, and all are admirably illustrated.

The Library of Congress has issued a *Catalogue of Opera Librettos printed before 1800*, in two volumes, prepared by O. G. T. Sonneck, chief of the division of music. Volume I. contains titles, volume II., author list, composer list, and aria index.

Colonel Theodore Roosevelt's *History as Literature, and other Essays* (Scribner, 1913, pp. 310) includes his annual address before the American Historical Association, printed last year in this journal, his Romanes lecture on Biological Analogies in History, his Berlin address on the World Movement, his address at the Sorbonne on Citizenship in a Republic, and other papers less connected with history.

Noteworthy articles in periodicals: C. W. Alvord, *The Science of History* (Popular Science Monthly, May); P. Dehn, *Das Stille Meer* (Schmoller's Jahrbuch, XXXVIII. 1); *The Significance of Kingship* (Edinburgh Review, April); H. J. Randall, *European Legal History* (Law Quarterly Review, April).

ANCIENT HISTORY

J. de Morgan has just published *Les Premières Civilisations: Études sur la Préhistoire et l'Histoire* (Paris, Leroux, 1914, pp. 600), in which he makes a masterly survey of the cultural development of various peoples down to the time of Alexander the Great. Another notable contribution to the study of the prehistoric period is *Die Vorklassische Chronologie Italiens* (Stockholm, Haeggstroem, 1912, pp. 246, reviewed by K. H. Jacob, *Literarisches Zentralblatt*, March 14) by Professor Oscar Montelius of Stockholm. The work is richly illustrated. On the basis of a very careful comparative study, Professor Montelius undertakes to fix, for Italy, the chronology of the copper, bronze, and iron ages.

Hebrew and Babylonian Traditions, by Professor Morris Jastrow, jr. (Scribner), is devoted to pointing out the marked differences between the myths and traditions of the two countries, in spite of their common origin.

Volume IV. of the *Hand-Books on the History of Religions* (Ginn and Company) is Professor C. H. Toy's *Introduction to the History of Religions*, a comprehensive outline of the researches into the early beliefs of mankind.

The first part of the second volume of the revised edition of Professor Beloch's *Griechische Geschichte* (Strassburg, Trübner, 1914) has appeared. The account is carried to the outbreak of the Peloponnesian War.

The seventh issue of the remarkable series, *Tabulae in Usus Scholarum* (Bonn, Marcus and Weber), is *Inscriptiones Graecae*, edited by Professor Otto Kern of Halle, and a most admirable publication. Fifty plates, beautifully executed, present nearly 130 inscriptions, selected with great care, and ranging from the sixth century B. C. to the fourth A. D., and through a wide variety of inscribed objects.

W. W. Buckland, regius professor of civil law in the University of Cambridge, has published through the University Press *The Roman Law of Slavery*, which describes the legal condition of the slaves from Augustus to Justinian.

Spain under the Roman Empire, by E. S. Bouchier (Oxford, Blackwell), gives an account of the history, a description of the antiquities, and a sketch of the literature of Spain under the Roman Empire.

The Eastern Libyans (Macmillan), by Mr. Oric Bates of Boston, is warmly commended in European publications. In addition to learned studies, the author has studied the north-central African races in their own homes and has been engaged in the archaeological survey of Nubia. The origin of the Libyans he regards as still an unsolved problem.

Noteworthy articles in periodicals: M. Pieper, *Untersuchungen zur Geschichte der XIII. Dynastie* (Zeitschrift für Aegyptische Sprache und Altertumskunde, LI. 1); J. von Prášek, *Dareios I.* (Der Alte Orient, XIV. 4); M. O. B. Caspari, *The Parliament of the Achaean League* (English Historical Review, April); L. Joulin, *Les Âges Protohistoriques dans l'Europe Barbare*, I. (Revue Archéologique, January); E. Païs, *Fundi degli Ausoni; per la Storia delle Città e della Popolazione d'Italia* (Studi Storici per l'Antichità Classica, VI. 1); P. Fraccaro, *Studi sull' Età dei Gracchi* (*ibid.*); J. Kromayer, *Die Wirtschaftliche Entwicklung Italiens im II. und I. Jahrhundert v. Chr.* (Neue Jahrbücher, XXXIII. 3).

EARLY CHURCH HISTORY

The first part of Professor J. Weiss's *Das Urchristentum* (Göttingen, Vandenhoeck and Ruprecht, 1914, pp. iv, 416) deals chiefly with St. Paul.

Pierre de Labriolle has written *La Crise Montaniste* (Paris, Leroux, 1914), and has published *Les Sources de l'Histoire du Montanisme* (*ibid.*), containing the Greek, Latin, and Syriac texts, with French translations and critical notes.

Among the Cambridge University Press announcements is that of *St. Basil the Great: a Study in Monasticism*, by W. K. Lowther Clarke.

Noteworthy articles in periodicals: A. Harnack, *Tertullians Bibliothek Christlicher Schriften* (Sitzungsberichte der K. Preuss. Akad. der Wissenschaften, 1914, 10); A. Bauer, *Hippolytos von Rom: der Heilige und Geschichtsschreiber* (Neue Jahrbücher, XXXIII. 2); K. Bihlmeyer, *Das angebliche Toleranzedikt Konstantins von 312, mit Beiträgen zur Mailänder Konstitution, 313* (Theologische Quartalschrift, XCVI. 1); J. Mansion, *Les Origines du Christianisme chez les Gots* (Analecta Bollandiana, XXXIII. 1); C. Müller, *Ulfilas Ende* (Zeitschrift für Deutsches Altertum und Deutsche Literatur, LV. 1).

MEDIEVAL HISTORY

General review: E. Jordan, *Histoire de l'Eglise, Moyen Âge* (Revue Historique, May).

The instructive survey of *The Present State of Mediaeval Studies in Great Britain*, which was presented by Professor T. F. Tout as a presidential address to the medieval section of the International Congress of Historical Studies at London in April, 1913, is now published by the Oxford University Press from the *Proceedings* of the British Academy.

Dr. A. Schäfer's thesis on *Die Bedeutung der Päpste Gregor II., 715-731, und Gregor III., 731-741, für die Gründung des Kirchenstaates* (Münster, 1913) may serve as an introduction to the thorough critical

study by E. Caspar of *Pippin und die Römische Kirche* (Berlin, Springer, 1914).

A recent publication of the Görres-Gesellschaft is H. Zimmermann's *Die Päpstliche Legation in der Ersten Hälfte des 13. Jahrhunderts, 1198-1241* (Paderborn, Schöningh, 1913, pp. xvi, 348).

Bullaire de l'Inquisition Française au XIV^e Siècle et jusqu'à la Fin du Grand Schisme, by the Abbé J. M. Vidal (Paris, Letouzey, 1913), has collected all the references in the papal registers to the inquisition in France during the period named.

Noteworthy articles in periodicals: E. Perels, *Die Briefe Papst Nikolaus' I.*, II. (Neues Archiv, XXXIX. 1); G. Schlumberger, *Prise de Jérusalem par les Guerriers de la Première Croisade, le 15 Juillet 1099, d'après les plus récents Travaux Historiques* (Revue Hebdomadaire, April 18); F. C. Dietz, *Industry in Pisa in the Early Fourteenth Century* (Quarterly Journal of Economics, February); G. Lizerand, *Les Constitutions "Romani Principes" et "Pastoralis Cura" et leurs Sources* (Nouvelle Revue Historique de Droit Français et Étranger, November); A. Eitel, *Zur Kritik der Approbationsverhandlungen Papst Bonifaz' IX. mit König Ruprecht von der Pfalz* (Historisches Jahrbuch, XXXV. 1).

MODERN EUROPEAN HISTORY

General reviews: Anonymous, *Opere sulla Storia della Compagnia di Gesù* (La Civiltà Cattolica, February 21); J. Hashagen, *Geschichte der Geistigen Kultur von der Mitte des 17. bis zum Ausgange des 18. Jahrhunderts*, II. (Archiv für Kulturgeschichte, XII. 1); E. Mayer, *Ouvrages d'Histoire Militaire* (Revue des Études Napoléoniennes, March, May); G. Bourgin, *Les Études Napoléoniennes en Italie* (*ibid.*, March); A. Mansuy, *Les Études Napoléoniennes en Russie* (*ibid.*, May).

John Murray has recently published George V. Jourdan's *The Movement towards Catholic Reform in the Early Sixteenth Century*, which covers the years 1496 to 1528.

The Oxford University Press has issued vol. III. of Mr. P. S. Allen's *Opus Epistolarum Desiderii Erasmi Roterodami*, which includes the letters from July, 1517, to June, 1519.

Several problems of Jesuit history are discussed by D. Böhmer in *Studien zur Geschichte der Gesellschaft Jesu* (Bonn, Falkenroth, 1914, pp. 452).

John Lane has published an English translation of M. Charles Bastide's *Anglais et Français du XVII^e Siècle*, recently reviewed in this journal (XVIII. 395), under the title *The Anglo-French Entente in the Seventeenth Century*. The translation has been made by M. Bastide himself.

Messrs. Longmans have just published Dr. David J. Hill's *The Diplomacy of the Age of Absolutism, 1648-1775*, which is vol. III. of his *History of Diplomacy in the International Development of Europe*.

Baron Descamps and Professor Louis Renault have brought out the first volume of a *Recueil International des Traités du XIX^e Siècle*, which covers the years 1801-1825 (Paris, Rousseau, 1914, pp. 1030). The series will contain about six volumes, and will be followed by a new series for the present century. The publication will include both the original texts and French translations.

Noteworthy articles in periodicals: Mgr. Barnes, *Martin Luther, Augustinian Friar* (Dublin Review, April); Ephraim Emerton, *Martin Luther in the Light of Recent Criticism* (Harvard Theological Review, April); A. Elkan, *Entstehung und Entwicklung des Begriffs "Gegen-reformation"* (Historische Zeitschrift, CXII. 3); Madame I. Lubimenko, *A Project for the Acquisition of Russia by James I.* (English Historical Review, April); G. Roloff, *Der Papst in der Letzten Grossen Krisis des Protestantismus [1688]* (Preussische Jahrbücher, May); J. H. Rose, *Frederick the Great and England, 1756-1763*, II. (English Historical Review, April); M. Handelsman, *Napoléon et la Pologne* (Revue des Études Napoléoniennes, March); F. Masson, *L'Autriche et Napoléon en 1812: Dépêches de M. de Lebzeltern à Metternich* (*ibid.*, March, May); J. Colin, *La Bataille de Montmirail* (*ibid.*, May); David Starr Jordan, *Alsace-Lorraine: a Study of Conquest* (Atlantic Monthly, May).

GREAT BRITAIN AND IRELAND

Bulletin no. 11, of the Departments of History and Political and Economic Science in Queen's University, Kingston, Ontario, comprises two studies by L. F. Rushbrook Williams, St. Alban in History and Legend: a Critical Examination, and the King and his Councillors: Prolegomena to a History of the House of Lords.

The Royal Historical Society plans to commemorate, on June 15, 1915, the seven hundredth anniversary of the granting of Magna Carta. It is expected that the arrangements will include the reading and ultimate publication of papers by eminent scholars, a visit to Runnymede, exhibitions of the original copies of the Charter and of cognate manuscripts, and possibly a public dinner or other entertainment. Co-operation may be expected on the part of the Corporation of London, which was so conspicuous in the obtaining of the Charter, the universities, the British Academy, and many others.

A Grammar of English Heraldry, by W. H. St. John Hope, in the series of *Cambridge Manuals of Science and Literature*, is an excellent attempt to place in small compass the principles of English heraldry, and to bring to the student some knowledge of the sources for such studies.

Messrs. Longmans have published *The Economic Organizations of England: an Outline History*, which consists of the lectures delivered at Hamburg by Professor W. J. Ashley.

Volume XI. of the *Harvard Economic Studies* is to appear shortly. This is *The Evolution of the English Corn Market from the Twelfth to the Eighteenth Century*, by Professor N. S. B. Gras.

The Ford Lectures for 1913, *The Place of the Reign of Edward II. in English History*, delivered by Professor T. F. Tout, have been published by the Manchester University Press with some alterations and additions.

The history of those Catholic exiles who left England after the Acts of Uniformity and Supremacy were passed is traced in a volume by the Rev. Peter Guilday entitled *The English Catholic Refugees on the Continent, 1558-1795*, which Messrs. Longmans are announcing for early publication. In *Les Réfugiés Anglais dans les Pays-Bas Espagnols durant le Règne d'Élisabeth, 1558-1603* (Louvain, Université, 1914, pp. 268), R. Lechat of the Society of Jesus treats a part of the same field.

Mr. Frank A. Mumby has added to his popular work on Elizabeth a volume on *Elizabeth and Mary Stuart: the Beginning of the Feud*, which utilizes selections from the State Papers, the Burghley Papers, and an unpublished letter in the Egerton MSS., with the connecting links which complete the narrative supplied by Mr. Mumby. Noteworthy also is Henry C. Shelley's *The Tragedy of Mary Stuart* (Little, Brown, and Company), which deals with the fifteen months of her life from February, 1567, to May, 1568, and has much of interest for the general reader.

Dr. F. Harzendorf's *Die Einkommensteuer in England* is published as the forty-eighth supplementary volume to the *Zeitschrift für die Gesamte Staatswissenschaft*.

The editor of the *Windham Papers* has recently published *The Wellesley Papers: the Life and Correspondence of Richard Colley Wellesley, Marquess Wellesley, 1760-1842*, in two volumes. There is little in these papers which adds to our knowledge of events, but we derive some new light on the character of the Marquess of Wellesley.

The War Office Past and Present, by Capt. Owen Wheeler (Methuen), is for the early period a solid piece of work, but the later chapters are not so satisfactory.

A new edition of Wakefield's celebrated *View of the Art of Colonization* has been issued by the Clarendon Press (Oxford, 1914, pp. xxiv, xxiv, 510) with a valuable introduction by Mr. James Collier.

A. Wyatt Tilby has added a volume entitled *South Africa, 1486-1913*, to his *English People Overseas* (Houghton Mifflin).

Dr. W. H. Fitchett is the author of *The New World of the South: or Australia in the Making* (Bell and Sons), which deals only with the early history of Australia, and largely with the picturesque aspects of that history.

British government publications: *Calendar of Charter Rolls*, vol. IV., 1327-1341, ed. C. G. Crump and C. H. Jenkinson; *Calendar of Letters, Despatches, and State Papers, relating to the Negotiations between England and Spain, preserved in the Archives at Vienna, Brussels, Simancas, and elsewhere*, vol. X., Edward VI., ed. Royall Tyler.

Other documentary publications: *Chronica Johannis de Reading et Anonymi Cantuariensis*, 1346-1367, ed. James Tait (Manchester University Press); *Diocesis Wyntoniensis, Registrum Johannis de Pontisara*, pars secunda (Canterbury and York Society); *Diocesis Herefordensis, Registrum Ludowici de Charltona, Registrum Willelmi de Courtenay* (id.); *The Ledger-Book of Vale Royal Abbey*, ed. John Brownhill (Lancashire and Cheshire Record Society); *The Coventry Leet Book, or Mayor's Register, containing the Records of the City Court Leet or View of Frankpledge, A. D. 1420-1555, with divers other Matters*, part IV., ed. Mary Dormer Harris (Early English Text Society); *The Port Books of Southampton*, ed. Paul Strider (Southampton Record Society); *Register of the Parish of Melrose, 1642-1820*, ed. C. S. Romanes (Scottish Record Society).

Noteworthy articles in periodicals: C. P. Sherman, *The Romanization of English Law* (Yale Law Journal, February); G. B. Adams, *The Local King's Court in the Reign of William I.* (*ibid.*, April); Sir J. H. Ramsay, *The Strength of English Armies in the Middle Ages* (English Historical Review, April); J. F. Willard, *The Taxes upon Movables of the Reign of Edward II.* (*ibid.*); Sir H. Maxwell, *The Battle of Bannockburn* (Scottish Historical Review, April); R. Dunlop, *The English in Ireland* (Quarterly Review, April); Miss Cora L. Scofield, *The Early Life of John de Vere, Thirteenth Earl of Oxford* (English Historical Review, April); Mme. I. Lubimenko, *The First Relations of England with Russia* (Russian Review, February); W. Roughead, *Scottish Witch Trials*, II. (The Juridical Review, XXV. 3 and 4); J. J. Jusserand, *A French Ambassador's Impressions of England in 1666* (Nineteenth Century and After, April); H. C. Shelley, *Irish Viceroy before the Union* (Edinburgh Review, April); G. Schmoller, *Die Soziale Bewegung Englands von 1770-1912 im Lichte der Marxistischen Klassenkampfsideen* (Schmoller's Jahrbuch, XXXVIII. 1); *British Foreign Policy in the Last Century* (Quarterly Review, April).

FRANCE

L. Halphen, H. Hauser, G. Pagès, *Histoire de France* (Revue Historique, May).

The first volume of H. Lévy-Bruhl's *Les Élections Abbatiales en France* (Paris, Rousseau, 1913, pp. 201) treats the Frankish period with a critical thoroughness that promises well for the work.

In the first volume of *Les Corsaires Dunkerquois et Jean Bart* (Paris, *Mercure de France*, 1912-1913), Henri Malo deals with events prior to 1662. The second volume relates mainly to the career of Jean Bart.

Dr. F. K. Mann has made an elaborate critical study of the problem of the mercantile system in *Der Marschall Vauban und die Volkswirtschaftslehre des Absolutismus* (Leipzig, Duncker and Humblot, 1914).

M. G. Martin is the author of *L'Histoire du Crédit en France sous le Règne de Louis XIV.: le Crédit Public*, published in Paris by Messrs. Larose and Tenin.

Fernand Caussy has undertaken to publish nine volumes of *Oeuvres Inédites de Voltaire* (Paris, Champion) as a supplement to the older editions of Voltaire's works. Two volumes will be made up of historical writings, and six of correspondence. A similar *Collection des Inédits de Montesquieu* (*ibid.*) has just been completed by the publication of two volumes of correspondence, edited by F. Gebelin.

The second volume of C. Porée's *Documents relatifs à la Vente des Biens Nationaux dans le District de Sens* (Paris, Leroux, 1913, pp. 741) is the latest issue of the *Collection des Documents inédits sur l'Histoire Économique de la Révolution Française* to come to hand.

Le District de Saint-Germain-en-Laye pendant la Révolution (Paris, Rieder, 1914, pp. iii, 238) contains thirteen of the proposed twenty-four chapters of a doctor's thesis which Mlle. G. Rocher had completed under the direction of Professor Aulard, prior to her death recently. The work is done entirely from the national, departmental, and communal archives, and is a good piece of research well presented. The chapters published include an account of events from the effects of the 14th of July, 1789, through the elections to the Convention in August, 1792, and the treatment of the three special topics, the committees of surveillance, the revolutionary cults, and subsistences.

Among recent notable volumes on the personality of Napoleon and his early campaigns are Lieutenant L. Caresme, *Bonaparte, Lieutenant en Second* (Paris, Berger-Levrault, 1914); Colonel Vachée, *Napoléon en Campagne* (*ibid.*, 1913, pp. vii, 218), a personal not a military study; the fourth volume of Captain G. Fabry's *Campagne de l'Armée de l'Italie, 1796-1797* (Paris, Dorbon, 1914); and M. Bottet, *Napoléon aux Camps de Boulogne: la Côte de Fer et les Flottilles* (Paris, Ambert, 1914), for which both the national archives and the archives of Boulogne were used.

Among the volumes called forth by the centenary of the overthrow of Napoleon are the third volume, dealing with 1814, of F. M. Kirchei-

sen's *Napoleons Untergang, Ausgewählte Memoirenstücke* (Stuttgart, Lutz, 1914); Professor A. Chuquet's similar volume, *L'Année 1814* (Paris, Fontemoing, 1914); *Napoleon at Bay* (John Lane), by F. Loraine Petre; a new edition with additional documents of H. Geschwind and F. Gelis's *La Bataille de Toulouse* (Toulouse, Privat, 1914, pp. 177); *La Guerre de Partisans contre Napoléon* (Paris, Berger-Levrault, 1914), the memoirs of Captain von Colomb who harassed Napoleon's army in Germany; Marquis Calmon-Maison's *Le Général Maison et le 1^{er} Corps de la Grande Armée, Campagne de Belgique, Décembre, 1813-Avril, 1814* (Paris, Calmann-Lévy, 1914); and a new edition, prepared by G. Lenotre, of Baron Fain's *Manuscrit de 1814* (Paris, Perrin, 1914).

Napoleon in Exile: Elba (1814-1815), by Mr. Norwood Young (Stanley Paul), uses material gathered by the late Earl of Crawford and not heretofore made use of, but presents no important information that is new.

J. Burnichon of the Society of Jesus has undertaken a comprehensive account of *La Compagnie de Jésus en France: Histoire d'un Siècle, 1814-1914* (Paris, Beauchesne, 1914). The first volume, of 640 pages, takes the narrative only to the Revolution of 1830.

Camille Ducray has written biographical sketches of *Henri Rochefort, 1831-1913* (Paris, Ambert, 1914), and of *Paul Déroulède, 1846-1914* (*ibid.*). Émile Faguet has contributed to the series, *Figures du Passé*, a life of *Monseigneur Dupanloup, un Grand Évêque* (Paris, Hachette, 1914). *Dans les Champs du Pouvoir* is a volume of autobiographical interest by G. Clémenceau (Paris, Payot, 1913, pp. xv, 420).

H. Dutrait-Crozon's *Gambetta et la Défense Nationale, 1870-1871* (Paris, Nouvelle Librairie Nationale, 1914, pp. 584) is one of the most interesting, perhaps one of the best, recent contributions to the history of the war of 1870.

Volume IV. of the *Correspondance du Duc d'Aumale et de Cuvillier-Fleury, 1865-1871*, has recently been published by Messrs. Plon-Nourrit.

In the series of excellent monographs published by the *Revue de Synthèse Historique* on "Les Régions de la France" the ninth issue is on *L'Ile-de-France* (Paris, Cerf, 1913, pp. 135), by Marc Bloch, professor in the lycée of Amiens. After an investigation of the origin and varying significance of the name, Ile-de-France, and a description of the geographical features of the region, the main portion of the monograph is devoted to an analysis of the materials and literature relating to the history of the province. Unfortunately no maps are included in these monographs.

E. Rouard de Card has collected the *Traités et Accords concernant le Protectorat de la France au Maroc* (Paris, Pedone, 1914).

Noteworthy articles in periodicals: J. Flach, *Le Comté de Flandre et ses Rapports avec la Couronne de France du IX^e au XV^e Siècle*, II.

(Revue Historique, March); O. Martin, *Sentences Civiles du Châtelet de Paris, 1395-1505, publiées d'après les Registres Originaux*, I., II. (Nouvelle Revue Historique de Droit Français et Étranger, November, January); P. Gaffarel, *Les Lettres de Cachet en Provence dans les Dernières Années de l'Ancien Régime* (Revue Historique, May); L. Madelin, *La Jeunesse de Danton, ses Débuts Politiques* (Revue des Études Historiques, March); Miss M. A. Pickford, *The Panic of 1789 in Lower Dauphiné and in Provence* (English Historical Review, April); L. Madelin, *La Dernière Année de Danton* (Revue des Deux Mondes, March 1, 15, April 1); P. Caron, *Les Commissaires du Conseil Exécutif et leurs Rapports* (Revue d'Histoire Moderne et Contemporaine, January); J. Bourdon, *L'Administration Communale sous le Consulat* (Revue des Études Napoléoniennes, May); L. Chaptal, *Le Mouvement Social en 1814* (Revue Hebdomadaire, February 28); Jules Ferry, *Lettres, 1860-1871* (Revue de Paris, May 1); Colonel Gory, *Les Soldats de 1870* (Journal des Sciences Militaires, March 1-April 25).

ITALY, SPAIN, AND PORTUGAL

Three notable studies of medieval Italy have recently appeared. The Baroness Diane de Guldenchrone has written of *L'Italie Byzantine: Étude sur le Haut Moyen Âge, 400-1050* (Paris, Leroux, 1914). G. Mengozzi deals with the Lombard and Frankish periods in *La Città Italiana nell'Alto Medio Evo* (Rome, Loescher, 1914). The Görres-Gesellschaft has published L. Mohler's *Die Kardinäle Jakob und Peter Colonna* (Paderborn, Schöningh, 1914), which relates to the close of the thirteenth century. Mention may also be made of R. Palmarocchi's *L'Abbazia di Montecassino e la Conquista Normanna* (Rome, Loescher, 1913, pp. xx, 268) and F. Baethgen's *Die Regentschaft Papst Innocenz III. im Königreich Sizilien* (Heidelberg, Winter, 1913, pp. viii, 164).

In *Memorie e Documenti di Storia Italiana dei Secoli XVIII. e XIX.* (Florence, Sansoni), A. d'Ancona has published essays on Frederick the Great and the Italians, on Tuscany in 1799, and on Manzoni, Stendhal, Gioberti, Cavour, and Giordani. In another volume of essays, the same author gives *Ricordi Storici del Risorgimento Italiano* (*ibid.*). D. Battesti, professor in the lycée at Nîmes, has written *Un Patriote Italien* (Bourges, Sire, 1913, pp. 287), which is a life of Massimo d'Azeglio. An account of *Radetzky a Verona nel 1848* (Verona, Cabianca, 1914, pp. 447) is by G. Polver.

Houghton Mifflin Company has published a study of Cavour by Giovanni Visconti Venosta entitled *Memoirs of Youth*, translated by Dr. William Prall. The announcement comes from Florence that the national committee on the history of Italy is planning the publication of the complete works of Cavour.

An account of the court officials and central administration of Aragon is contained in *Aragonische Hofordnungen im 13. und 14. Jahrhundert*, by Dr. K. Schwarz (Berlin, Rothschild, 1914, pp. x, 144).

Dr. Julius Klein, whose discovery of the archives of the Mesta (gild of sheep-owners, 1273-1836) has been mentioned in this journal (XVIII. 656), has given an account of his find in the February number of the *Boletín* of the Royal Academy of History, where two of the oldest charters of the Mesta, with notes, are published. Others are to appear shortly in the *Bulletin Hispanique* of Paris. Later a complete history of the Mesta will be brought out, probably under the auspices of Harvard University.

Mr. Bolton Glanville Corney has translated and the Hakluyt Society has published *The Quest and Occupation of Tahiti by Emissaries of Spain during the years 1772-1776, told in Despatches and other Contemporary Documents*, vol. I.

The Golden Age of Prince Henry the Navigator, by J. P. Oliveira Martins, translated with additions and annotations by J. Johnston Abraham and W. E. Reynolds (London, Chapman and Hall), is the first translation into English of this valuable narrative.

Noteworthy articles in periodicals: J. Goetz, *Kritische Beiträge zur Geschichte der Pataria*, I. (Archiv für Kulturgeschichte, XII. 1); A. de Boüard, *La Suzeraineté du Pape sur Rome aux XIII^e et XIV^e Siècles* (Revue Historique, May); A. Anzilotti, *Per la Storia delle Signorie e del Diritto Pubblico Italiano del Rinascimento* (Studi Storici, XXII. 1); P. Cardona, *La Sicilia durante la 1^a e 2^a Coalizione contro la Francia, 1793-1801*, I. (Archivio Storico per la Sicilia Orientale, XI. 1); E. Loevinson, *Gli Ufficiali Napoleonici dello Stato Pontificio* (Nuova Antologia, February 16); M. Mazziotti, *I Testamenti del Conte di Cavour* (*ibid.*, April 16); M. Hume, *Las Reinas de la España Antigua: Isabel la Católica*, I., II. (La España Moderna, March 1, April 1); A. Morel-Fatio, *A Propos de la Correspondance Diplomatique de D. Diego Hurtado de Mendoza* [ambassador of Charles V.] (Bulletin Hispanique, April); G. Desdevises du Dezert, *Les Jésuites de la Province d'Aragon au XVIII^e Siècle* (Revue Historique, March); F. Rousseau, *Les Sociétés Secrètes en Espagne au XVIII^e Siècle et sous Joseph Bonaparte* (Revue des Études Historiques, March); Guernsey Jones, *The Revolution in Portugal* (Mid-West Quarterly, April).

GERMANY, AUSTRIA, AND SWITZERLAND

General reviews: C. Freiherr von Schwerin, *Germanistische Rechtsgeschichte* (Die Geisteswissenschaften, February 19); W. Stein, *Stand und Aufgaben der Hansischen Geschichtsforschung* (*ibid.*, February 5); H. Witte, *Entwicklungsgang der Historischen Nationalitätenforschung des Deutschen Sprachgebiets* (*ibid.*, March 5); G. Loesche, *Die Geschichtschreibung über den Protestantismus in Oesterreich* (*ibid.*, April 2); H. Bourgin, *Publications Économiques des Universités Allemandes* (Revue de Synthèse Historique, December).

A manual compiled by E. Guglia contains *Die Geburts-, Sterbe-, und Grabstätten der Römisch-Deutschen Kaiser und Könige* (Vienna, Schroll, 1914, pp. vi, 199).

H. Thimme has published the seventh and final volume of Sauerland's *Urkunden und Regesten zur Geschichte der Rheinlande aus dem Vatikanischen Archiv* (Bonn, Hanstein, 1914). The volume contains documents for the period from 1400 to 1425. E. E. Stengel has begun the publication of the *Urkundenbuch des Klosters Fulda* (Marburg, Elwert, 1914). Two volumes of *Frankfurter Amts- und Zunftsurkunden*, edited by K. Bücher and B. Schmidt (Frankfort-on-the-Main, Baer, 1914, pp. xcii, 546; viii, 481), relate to the period prior to 1612.

In the series *Aus Natur und Geisteswelt*, the two volumes of Professor O. Weber's *Von Luther zu Bismarck: Zwölf Characterbilder aus Deutscher Geschichte* have been issued in a second edition, with some revisions, including the substitution of a chapter on the Elector Maximilian of Bavaria for the one on the Emperor Rudolf II. Among the new volumes are *Von Jena bis zum Wiener Kongress* by Professor G. Roloff of Giessen, and *Die Freimaurerei: eine Einführung in ihre Anschauungswelt und ihre Geschichte* by L. Keller. Professor Roloff has centred his attention upon Prussia, and especially upon the reforms of Stein and Hardenberg. The latter volume is devoted mainly to freemasonry in Germany in the eighteenth and nineteenth centuries (Leipzig, Teubner, 1914).

The Saxon side of the war of the Polish succession, as revealed in the Dresden archives, is studied in full detail by Dr. R. Beyrich in *Kursachsen und die Polnische Thronfolge, 1733-1736* (Leipzig, Quelle and Meyer, 1913, pp. xvi, 174).

A recent issue in Lamprecht's *Allgemeine Staatengeschichte* is Professor A. Wohlwill's *Neuere Geschichte der Freien und Hansestadt Hamburg, insbesondere von 1789 bis 1815* (Gotha, Perthes, 1914, pp. x, 568). Some light on the history of Hamburg during the period is also furnished by H. Sieveking's *Georg Heinrich Sieveking: Lebensbild eines Hamburgischen Kaufmanns aus dem Zeitalter der Französischen Revolution* (Berlin, Curtius, 1913, pp. xii, 548). Sieveking was the envoy of his city to Paris in 1796.

The *Denkwürdigkeiten* of Prince Frederick Charles have been published by W. Foerster (two vols., Stuttgart, Deutsche Verlags-Anstalt, 1914). *Karl Anton, Fürst von Hohenzollern: ein Lebensbild*, by K. T. Zingeler (*ibid.*) is based upon the prince's papers.

Dodd, Mead, and Company are the publishers of an anonymous memoir of the Empress Frederick, mother of Kaiser Wilhelm. This is frankly a defense of the English princess.

The foreign policy of the present kaiser is reviewed by Count Ernst zu Reventlow in *Deutschlands Auswärtige Politik, 1888-1913* (Berlin, Mittler, 1914).

Dr. Stanley Shaw is the author of an interesting biography of the German emperor, entitled *William of Germany* (Macmillan), which while it is primarily biography contains much trustworthy history. A useful supplement to this is Frederic W. Wiles's *Men around the Kaiser* (Lippincott), which sketches the lives of thirty-one prominent German leaders of the present day.

Imperial Germany, by Prince Bernhard von Bülow, is a sketch of recent political history (Dodd, Mead, and Company).

Professor Ferdinand Schmid of Leipzig has written a thorough study of *Bosnien und die Herzegovina unter der Verwaltung Oesterreich-Ungarns* (Leipzig, Veit, 1914).

H. Barth has published the first volume of a *Bibliographie der Schweizer Geschichte* (Basel, Basler Buch- und Antiquariatshandlung, 1914) in the series *Quellen zur Schweizer Geschichte*.

The French version of the fourth volume of Dierauer's monumental *Histoire de la Confédération Suisse*, which carries the narrative to 1798, has recently appeared.

A new history of *Der Sonderbund* (Zürich, Schäubli, 1914) by Heer and Binder has recently appeared.

A considerable number of important works on the history of Geneva have come from the press during the past two years. Mlle. Marguerite Cramer has described the negotiations between Geneva and the Swiss confederation from 1691 to 1792 in *Genève et les Suisses* (Geneva, Kündig, 1914, pp. 380). Émilie Cherbuliez has edited the *Mémoires sur Genève et la Révolution de 1770 à 1795*, of Isaac Cornuaud (Geneva, Jullien, 1912, pp. xxxix, 762). The journals, souvenirs, and correspondence of eleven persons have been collected by Lucie Achard and Édouard Favre in *La Restauration de la République de Genève, 1813-1814* (two vols., *ibid.*, 1913). The *Journal pendant la Restauration Genevoise, 1813-1821*, of Marc-Jules Suès, has been edited by A. Guillot (*ibid.*, pp. xii, 290). *Genève et les Traités de 1815* (two vols., Geneva, Kündig, 1914) contains the diplomatic correspondence of Pictet de Rochemont and François d'Ivernois from Paris, Vienna, and Turin, published by the Société d'Histoire et d'Archéologie de Genève. The *Briefwechsel mit der Aargauischen Regierung während des Wiener Kongresses*, of A. Rengger, has also just been published by S. Heuberger (Aarau, Sauerländer).

Noteworthy articles in periodicals: O. Bethge, *Frankische Siedelungen in Deutschland auf Grund von Ortsnamen festgestellt* (Wörter und Sachen, VI. 1); F. Kurze, *Die Annales Laubacenses und ihre nähere Verwandtschaft* (Neues Archiv, XXXIX. 1); H. Niese, *Der Sturz Heinrichs des Löwen* (Historische Zeitschrift, CXII. 3); L. Cristiani, *Luther au Couvent, 1505-1517*, II. (Revue des Questions Historiques, April); O. Hintze, *Der Staat des Grossen Kurfürsten* (Internationale

Monatsschrift, March); J. M. Carré, *Le Piétisme de Halle et la Philosophie des Lumières, 1690-1750* (Revue de Synthèse Historique, December).

NETHERLANDS AND BELGIUM

General reviews: T. Bussemaker, *Histoire des Pays-Bas* (Revue Historique, March); H. Brugmans, *Niederländischer Literaturbericht* (Historische Zeitschrift, CXII. 3).

Johann und Philipp Marnix während des Vorspiels des Niederländischen Aufstandes (Leipzig, Hermann, 1913, pp. 54) is a chapter from a larger work on Marnix which Dr. A. Elkan has in preparation.

A great mass of data for the history of learning and religion in the Netherlands is to be found in *Bronnen tot de Geschiedenis der Leidsche Universiteit*, I., 1574-1610, lately published (the Hague, Nijhoff) as no. 20 in the government's historical series. The data are from the "Acta Senatus" and the "Resoluties van Curatoren", and are edited by Dr. P. C. Molhuysen.

The final years, 1670-1672, are covered in the fourth volume of Professor R. Fruin's edition of the *Brieven van Johan de Witt* (Amsterdam, Müller, 1913). The editor of the volume is N. Japikse.

In the *Nederlandsch Archief voor Kerkgeschiedenis*, n. s., III. 4, Dr. A. Eekhof of Amsterdam has a learned article on Jacobus Koelman, the mystic and Labadist, and his residence in Amsterdam from 1676 to 1682, embracing many facts which had escaped Krull, *Jacobus Koelman* (Sneek, 1901) and Knuttel, *Balthasar Bekker* (the Hague, 1906). The later years, 1682-1691, and the call to Newcastle, Delaware, will be treated in another article.

Professor Tiemen de Vries has published under the title *Dutch History, Art, and Literature for Americans* (Grand Rapids, Eerdmans-Sevensma Company, 1912) eight lectures delivered at the University of Chicago on such themes as William the Silent, Rembrandt, Jacob Steendam, and Washington Irving, on whose Rip van Winkle legend he has much that is interesting to say.

The *Rapport* of the historical seminary of the University of Louvain concerning its labors during the academic year 1912-1913 (pp. 386-465, reprinted from the *Annuaire* of the university) will perhaps be most valued for its summaries of the seminary investigations into the history of the Jansenists, embracing papers by Abbés Baert, Janssen, De Meyer, and Lamiroy. Other papers of importance are that of M. Uytterhoeven on the temporalities of monasteries in the Low Countries during the quarrel of the investitures, M. Devester's analysis of the domain of the cathedral of Liège in the twelfth and thirteenth centuries, and a paper of Abbé Labeau on tithes in the Low Countries in the last years of the *ancien régime*.

NORTHERN AND EASTERN EUROPE

The Danish-American Society has recently published a bibliography of books and pamphlets published in America or England that deal with Danish subjects, together with a list of Danish works which have been translated.

The last years of the Vasa dynasty in Sweden are described by S. Clason, *Gustav IV. Adolf och den Europeiska Krisen under Napoleon* (Stockholm, 1913, pp. 248), and by O. G. de Heidenstam, *La Fin d'une Dynastie* (Paris, Plon, 1914, pp. iv, 514).

Professor Carl Schirren of Kiel discusses the policy of Peter the Great in *Zur Geschichte des Nordischen Krieges* (Kiel, Mühlau, 1913, pp. 217).

L'Évolution de la Russie pendant les Années 1904-1907 (Paris, Plon, 1914, pp. iii, 329) is a translation by Mlle. Pluche from the Swedish original by Dr. A. Törngren.

A. Hasenclever has made a detailed study of *Die Orientalische Frage in den Jahren 1838-1841: Ursprung des Meerengenvertrages von 13 Juli 1841* (Leipzig, Koehler, 1914).

Professor N. Jorga has recently published the second volume of his *Histoire de la Roumanie*, which deals with the period from 1601 to 1825; and has edited the twenty-fourth volume in the collection of documents on Rumanian history, *Studii si Documente cu Privire la Istoria Romanilor*, which includes 400 items from the correspondence of the Dutch agents at Constantinople from 1613 to 1747. Professor P. Eliade of the University of Bucharest in the second volume of *La Roumanie au XIX^e Siècle* (Paris, Hachette, 1914) treats the years 1828-1834. Two volumes of documents on the reign of Stephen the Great, the defender of Moldavia against the Turks, 1457-1503, have been published by Professor J. Bogdan of the University of Bucharest (Bucharest, Socac and Company, 1913, pp. xlvi, 518; xxi, 611).

Among the new volumes on the Balkan War are J. Péliissier, *Dix Mois de Guerre dans les Balkans, Octobre 1912-Août 1913* (Paris, Perrin, 1914, pp. x, 382); P. Risal, *La Ville Convoitée, Salonique (ibid.)*; P. Christoff, *Journal du Siège d'Andrinople: Notes Quotidiennes d'un Assiégé* (Paris, Charles-Lavauzelle, 1914, pp. 249). The diplomatic side is discussed by G. Hanotaux, *La Guerre des Balkans et l'Europe, 1912-1913* (Paris, Plon, 1914), and Dr. B. Stambler, *Les Roumains et les Bulgares: le Traité de Bucarest, 28 Juillet-10 Août, 1913* (Paris, Jouve, 1914, pp. 219). On the position of Servia, there have appeared H. Barby, *Les Victoires Serbes* (Paris, Grasset, 1913, pp. v, 306); M. Miloyéwitch, *L'Équilibre Balkanique* (Coulommiers, Brodard, 1913); and *Les Serbes et les Bulgares dans la Guerre Balkanique* by Balkanicus (*ibid.*). The Albanian question is discussed by F. Bianconi, G. Bien-aimé, A. Chéradame, R. Perraud, de Wesselitsky, and G. Yakchitch,

La Question Albanaise (Paris, Hachette, 1913, pp. 65); by J. Tomitch, *Les Albanais en Vieille-Serbie et dans le Sandjak de Novi-Bazar* (*ibid.*, pp. 81); and by R. Puaux, *La Malheureuse Épire* (Paris, Perrin, 1914).

Professor William M. Sloane has brought out a volume entitled *The Balkans: a Laboratory of History* (Eaton and Mains) and President Jacob G. Schurman has written on this theme *The Balkan Wars, 1912-1913*. Both volumes are intended to provide a concise account of the Balkan situation. *Turkish Memoirs*, by Sidney Whitman (Heinemann), describes an earlier period, that of 1896 to 1908, with sympathy for the Turks. D. J. Cassavetti's *Hellas and the Balkan Wars* is written from the Greek point of view (Dodd, Mead, and Company).

Noteworthy articles in periodicals: H. Koht, *Die Geschichtsauffassung der Norwegischen König-Sagas* (*Die Geisteswissenschaften*, February 26); R. Dmowski, *The Political Evolution of Poland* (*Russian Review*, November, February); R. Asmus, *Pamphilius: ein Byzantinischer Gelehrter und Staatsmann des 5. Jahrhunderts* (*Byzantinische Zeitschrift*, XXII. 3); E. W. Brooks, *The Relations between the Empire and Egypt from a New Arabic Source* (*ibid.*); W. Miller, *The Gattilusj of Lesbos, 1355-1462* (*ibid.*); J. Barth, *L'Évolution de la Question d'Orient* (*Revue des Études Historiques*, March); H. M. Wallis, *The Devastation of Macedonia* (*Quarterly Review*, April); R. M. Burrows, *The New Greece* (*Quarterly Review*, April).

THE FAR EAST AND INDIA

Professor Joseph H. Longford's *The Evolution of New Japan*, one of the *Cambridge Manuals*, comes from the pen of a man well qualified to present the subject with skill and scholarship, even though it must be done in very limited space. He deals briefly with the early history of Japan, then develops in a somewhat more ample way the political and social reforms, the conditions of trade and industry, and the foreign relations of the empire.

The Clarendon Press has just published *A History of Fine Art in India and Ceylon* from the earliest times to the present day (pp. xx, 516, and many admirable illustrations) by the competent hands of Mr. Vincent A. Smith.

The recently formed Society for the History of the French Colonies has published a *Mémoire sur Quelques Affaires de l'Empire Mogol, 1756-1761*, by J. Law de Lauriston (Paris, Champion, 1914, pp. lvi, 589). The volume is edited by A. Martineau.

AMERICA

GENERAL ITEMS

The Carnegie Institution of Washington has published in a volume of 642 pages a *Guide to the Materials in London Archives for the His-*

tory of the United States since 1783, by Dr. Charles O. Paullin of the Carnegie Institution and Professor Frederic L. Paxson of the University of Wisconsin. The second volume of Professor Andrews's Public Record Office *Guide* will be out soon. Professor Golder has finished his work in St. Petersburg and proceeds shortly to Moscow. Professor W. I. Hull has sailed for the Netherlands for his summer's expedition in Dutch archives, and Mr. Francis S. Philbrick for Seville where he will continue in the "Audiencia de Santo Domingo" during the summer the work which Mr. Hill, during his two years' residence in Seville, completed for the "Papeles de Cuba" section of the Archives of the Indies, and will supervise the photographing of an extensive series from the latter collection, despatches of Spanish governors of Louisiana to the captains-general of Cuba.

Under the general editorship of Professor William E. Dodd, of the University of Chicago, a history of the United States, in four volumes, is in preparation, to be published by the Houghton Mifflin Company. The volume on the colonial period will be written by Professor Carl Becker of the Kansas State University, those on the three later periods by Professors Allen Johnson of Yale, Dodd of Chicago, and Paxson of Wisconsin.

Among recent accessions of the Division of Manuscripts in the Library of Congress are: additional papers of Nicholas Biddle; papers of the Argenteau family, fifteenth to nineteenth centuries; papers of Brigadier-General Cyrus B. Comstock, U. S. A.; numerous papers of Nicholas P. Trist; and miscellaneous papers relating to the University of Virginia.

The Library of Congress has issued a *List of References on Federal Control of Commerce and Corporations: Special Aspects and Applications*, compiled under the direction of H. H. B. Meyer, chief bibliographer. The list of references of a general character was issued a year ago (see vol. XVIII., p. 871).

A valuable addition to the *American Citizen* series is *Public Opinion and Popular Government* by President A. Lawrence Lowell. The author divides his study into four parts, in which he considers the Nature of Public Opinion, the Function of Parties, the Methods of Expressing Public Opinion, and the Regulations of Matters to which Public Opinion cannot directly apply. In appendixes he gives the results of the referendum and initiative in the cantons of Switzerland and in those states in which it has been tried.

The *Proceedings* of the American Antiquarian Society for its meeting of October, 1913, contains a paper by Professor A. B. Hulbert on Andrew Craigie and the Scioto Associates, an account of the papers of the Johnson family of Connecticut by Professor Max Farrand, and the beginning (Alabama to Illinois) of a bibliography (pp. 247-403) of American

newspapers, 1690-1820, compiled by Clarence S. Brigham, a list of the greatest value to historical students, in which the attempt is made to present an historical sketch of every newspaper presented in the United States between the dates mentioned, to locate all files found in the various libraries of the country, and to give a complete check-list of the files in the libraries of the American Antiquarian Society. Corrections to this list are invited. At the meeting of the society in Boston on April 8 the following papers were read: Early History of the Calendar and Almanac, by George E. Littlefield, Early Indian Migrations in New England, by R. B. Dixon, Notes on Connecticut Almanacs, by A. C. Bates, and Poinsett's Career in Mexico, by Justin H. Smith.* Apropos of the acquisition by the society of a large collection of currency tokens of the Civil War period a brief history of such tokens is given in the society's *Bulletin* of May 19.

The Spanish American Atheneum, which was organized in Washington in the early days of 1913, launched in February the first number of *La Revista del Ateneo Hispano-Americano*. The periodical has also an English section, *The Review of the Spanish American Atheneum*, with contents partly identical with those of the Spanish section. The scope and purpose of the Atheneum are set forth by Señor Francisco J. Yánes, the president. Señor Don Juan Riaño y Gayangos, the Spanish ambassador, writes concerning the intellectual relations between Spain and America, Señor Don Ignacio Calderón, the Bolivian minister, of the discovery of America and its influence on democracy, and Dr. Emilio A. Yánes concerning the first Congress of Venezuela, while Dr. Patrick J. Lenox discusses the influence of Spain on English literature, and Mr. Harry Weston Van Dyke writes an appreciation of the builders of Spain's American empire.

The Proceedings of the American Political Science Association at its tenth annual meeting at Washington, December 30, 1913, to January 1, 1914, are published as a supplement to the February issue of the *American Political Science Review*. The papers of chief historical significance are the American Philosophy of Government and its Application to the Annexed Countries, by A. H. Snow; the Treaty of Ghent, a Centenary Estimate, by Frank A. Updyke; and International Responsibility of the State for Injuries sustained by Aliens during the Civil War, by Edwin M. Borchard.

The Chicago Historical Society has published in its *Fort Dearborn* series three essays by Charles Bert Reed, of which the first, *Masters of the Wilderness*, gives title to the volume. The titular essay, a study of the Hudson's Bay Company from its origin to modern times, has been printed before. The two other essays in the volume are The Beaver Club: Some Social Aspects of the Fur Trade, and A Dream of Empire: the Adventures of Tonty in Old Louisiana. The Beaver Club, the history of which is graphically related, was composed of active spirits in

the Northwest Fur Company, and from the time of its founding in 1785 to the merging of that company in the Hudson's Bay Company in 1821, is an inseparable part of that company's history. Tonty's explorations and adventures are likewise related by the author in a manner that aims to preserve all that is romantic in them.

The Yale University Press publishes *The Department of State of the United States: its History and Functions*, by Dr. Gaillard Hunt, for several years an official of that department, now chief of the division of manuscripts in the Library of Congress.

The Year-Book, IV. (1911-1913), of the Swedish Historical Society of America includes the address of the president, Mr. Carl G. Wallenius, "Den Högre Skolverksamheten bland Svenskarne i Amerika", delivered in November, 1912; an account of Swede Point, or Madrid, Iowa, by F. A. Danborn; Normandy of a Thousand Years ago, by Edward Schuch; and a discussion of Recent Attacks on the Reliability of the Vinland Sagas, by Julius E. Olson.

In the selections from the correspondence of Senator James R. Doolittle, concluded in the August-September number of the *Magazine of History*, are several letters of interest concerning problems at the close of the Civil War. Among the writers are Wade Hampton, David Dudley Field, Horatio Seymour, and Gideon Welles. A letter from Doolittle to President Johnson contains suggestions concerning the trial of Jefferson Davis and the organization of a "Freedman's Territory". The October-November number contains a paper by S. F. Bemis on the Settlement of the Yazoo Boundary Dispute.

The *Magazine of History Extra*, no. 23, includes Charles Pettit's *Impartial Review* (1800); no. 24 contains the *Letters of a Confederate Officer*, by R. W. Corbin, and *A Journal of the Expedition up the River St. Lawrence* (1759), by the sergeant-major of General Hopson's grenadiers; no. 25 is *Rare Lincolnia*, no. 3; and no. 26 is *Narratives of Indian Warfare in the West*, compiled by S. L. Metcalf.

The *Ethnology of the Tewa Indians* (pp. 76), by Junius Henderson and John P. Harrington, published as *Bulletin 56* of the Bureau of American Ethnology, is the result of co-operative work in New Mexico by that bureau and the School of American Archaeology.

The American Doctrine of Judicial Supremacy, an account of the origin and development of the practices of judicial control over legislation, by Charles G. Haines, has been issued by the Macmillan Company.

The Rise of the American People, "a philosophical interpretation of American history and American life", by Professor Roland G. Usher of St. Louis, has been published by the Century Company.

History of the Churches of God in the United States of America, the history of a distinct religious movement originating in Pennsylvania about 1825, has been published in Harrisburg, by the Churches of God Publishing House. The author is Rev. C. H. Forney.

Mr. J. G. Rosengarten has brought out a new and enlarged edition of *French Colonists and Exiles in the United States* (Lippincott).

The Negro in American History: Men and Women Eminent in the Evolution of the American of African Descent, by J. W. Cromwell, is put forth in Washington by the American Negro Academy.

ITEMS ARRANGED IN CHRONOLOGICAL ORDER

Rev. A. Eekhof of Amsterdam has written an exhaustive account of *De Hervormde Kerk in Noord-Amerika, 1624-1664* (the Hague, 1913, two vols., pp. viii, 267; vi, 204, lvii).

G. P. Putnam's Sons have issued the *Autobiography of Thomas Jefferson, 1743-1790*, together with a summary of the chief events in Jefferson's life, the introduction and notes of Paul Leicester Ford, and a foreword by George Haven Putnam.

Professor W. B. Munro has brought out through the Harvard University Press a small volume of *Selections from the Federalist* (pp. vi, 202). The selections are those parts of the *Federalist* which Professor Munro has found by experience in his class-room to be best suited for use in approaching the study of federal government. In an introduction he summarizes the work of making the Constitution, the campaign for its adoption, explains how the *Federalist* came to be written, and discusses its importance and its value as a treatise on government.

Senate Election Cases from 1789 to 1913 (pp. 1233) has issued from the Government Printing Office (*Senate Doc. No. 1036*, 62 Cong.).

The third volume of the *Writings of John Quincy Adams*, edited by Worthington C. Ford, has come from the press (Macmillan). The period of the volume is 1801-1810.

Professor Frederic A. Ogg's *Daniel Webster* has come from the press (Jacobs). The volume is included in the *American Crisis Biographies*.

The Chicago Historical Society had for two weeks this spring an exhibition of objects illustrating the history and condition of the Republic of Liberia. The catalogue is a pamphlet which, for bibliographical and other purposes, will be valued by persons interested in the history of African colonization.

Mr. Louis M. Sears, of the University of Chicago, is at work upon a life of John Slidell.

Thomas A. Ashby, the author of *The Valley Campaigns*, has brought out through Neale a *Life of Turner Ashby* (1824-1862), brigadier-general in the Confederate army.

Mr. George Haven Putnam's *Memories of my Youth, 1844-1865*, published by G. P. Putnam's Sons, includes a record of several years' sojourn in England and on the Continent and three years' services in the Civil War.

Professor R. M. Johnston of Harvard University is at work on a volume dealing with the second Manassas campaign and would be glad to learn of any unpublished material bearing on it, Confederate or Federal.

Joseph Pulitzer: Reminiscences of a Secretary, by Alleyne Ireland, comes from the press of Mitchell Kennerly.

Forty Years of it is the title of a volume by Brand Whitlock, formerly mayor of Toledo, now minister to Belgium. The central thread of the book is the progress of democracy in the Middle West, and the reminiscences cluster around the characters prominently identified with these democratic movements.

LOCAL ITEMS, ARRANGED IN GEOGRAPHICAL ORDER

Reverend Dr. Henry S. Burrage, state historian of Maine, has been engaged for some time in preparation of a volume, now published by the state, entitled *The Beginnings of Colonial Maine*, covering, with large use of fresh materials, the period from 1602 to 1658.

The Maine State Library has received as a gift from Miss Elizabeth T. Thornton the historical manuscripts collected by her father, the late John Wingate Thornton of Boston. The manuscripts, which pertain principally to the history of Maine (1658-1877), have been mounted and bound in three volumes.

The January serial of the Massachusetts Historical Society contains a paper, by Mr. Andrew McFarland Davis, on the Revolutionary career of Governor Jonathan Trumbull of Connecticut, and an historical discussion, by Mr. Edward Stanwood, of trade reciprocity with Canada. Of the documentary materials the most important is a series of addresses and communications, 1768-1770, from the Sons of Liberty and individuals in Boston to John Wilkes. The documents, which are drawn from the Wilkes papers in the British Museum, are contributed by Mr. Worthington C. Ford. Mr. Ford also contributes to the February serial a paper on witchcraft by Cotton Mather, with notes by Robert Calef. The document was recently discovered by Mr. Ford in the society's library. The March-April serial contains some accounts of Isaac Allerton and Rev. John White with the Bay Colony, 1632, a letter of Burgoyne on the battle of Bunker Hill, and a group of letters to Jonathan Russell from Madame de Staël, Lucien Bonaparte, and various American public characters, 1801-1822.

In the April number of the *Essex Institute Historical Collections* appears the journal kept in Quebec from January 1 to October 30, 1775, by James Jeffry of Salem, Massachusetts. The journal has a bearing upon the Canadian invasion, although it stops short of the assault of Quebec by Montgomery. Some later letters of the journalist, brought to light after the journal was in type, throw further light on the American expedition.

The large collection of Moses Brown papers in the Rhode Island Historical Society has been augmented by a gift from the Moses Brown School of fifty volumes and many loose papers, chiefly business accounts of that eminent Quaker.

Mr. George L. Clark, whose work *Silas Deane: a Connecticut Leader in the American Revolution*, was published a short time ago, has written a *History of Connecticut*, which G. P. Putnam's Sons have published. The book deals particularly with the life of the people.

The Financial History of New York State, 1789-1912, by Don C. Sowers, is a recent number of the *Columbia University Studies in Political Science*.

The Support of Schools in Colonial New York by the Society for the Propagation of the Gospel in Foreign Parts, by W. W. Kemp, is a recent addition to the series of *Contributions to Education* emanating from the Teachers' College of Columbia University.

The *Proceedings* of the New Jersey Historical Society for October, 1913, contains the school census of Egg Harbor township in 1832 and 1834, contributed by Emma G. Steelman, and two letters concerning West Jersey in 1692.

The Historical Society of Pennsylvania has recently acquired the letter-books, account-books, letters, etc., of John Chaloner and Chaloner and White of the commissary department of the Revolution. This material is of particular value for the light which it casts upon the mode of provisioning the army from 1778 to 1783. Other noteworthy acquisitions are: Washington's orders for the advance of his army from Valley Forge to the Hudson, 1778; letters of Major Caleb Gibbs of Washington's body-guard, relating to supplies for the general's mess; letters, etc., from a number of the generals of the Revolution and delegates to Congress; 373 letters of Alexander H. Stephens; and a copy of the original map of Pennsylvania by Thomas Holme, in six parts (1682).

The *Proceedings and Collections* of the Wyoming Historical and Geological Society for the years 1913-1914 (vol. XIII.), edited by Horace E. Hayden, includes an address by Professor John L. Stewart of Lehigh University on "Some Modern Views of the Federal Constitution", discussing in particular the effects on the Constitution of industrial and economic development. Other historical articles are an account of the Beginnings of Lucerne County, Pennsylvania, by O. J. Harvey, and "Echoes of the Wyoming Massacre", no. 3, by H. E. Hayden. The most extended paper is a scientific and historical study of North Appalachian Indian pottery, by Christopher Wren.

Besides continued articles the *Maryland Historical Magazine* for March contains an interesting sketch of the career of Thomas Cressap, a pioneer of western Maryland in the first half of the eighteenth century.

Mrs. Annie M. L. Sioussat has brought out through the Lord Baltimore Press *Old Manors in the Colony of Maryland, Second Series: On the Patuxent*, interesting text with interesting illustrations.

Volume I. of W. B. Bryan's *History of the National Capital* has come from the press (Macmillan).

The *History of the "Soldiers' Home", Washington, D. C.*, edited by Eba Anderson Lawton, is mainly a collection of letters and documents (1839-1854) brought together for the purpose of proving that Major Robert Anderson, the father of the editor, was the originator and founder of the Soldiers' Home. The documents, which are made to tell largely their own story, show clearly that Major Anderson was among the foremost of those who labored for the establishment of the home; but the arrangement of the material is not always the most logical nor is the editing done in the most desirable manner. The volume constitutes nevertheless a valuable memorial to Major Anderson. Many of the documents are given in photographic facsimile (New York, Putnam, pp. 187).

The *Virginia Magazine of History and Biography* prints in its April issue the concluding portion of the commissions and instructions to the Earl of Orkney for the government of Virginia; several council papers for the years 1698-1701; a number of abstracts relating to Virginia in the year 1677; a letter from John Rolfe to Sir Thomas Dale in regard to his marriage with Pocahontas; some letters and other material, contributed by W. D. McCaw, relating to Captain John Harris of the Virginia navy, a prisoner of war in England, 1777-1779; and some statements by Virginia soldiers of the Revolution, contributed by J. T. McAllister.

The editor of the *William and Mary College Quarterly Historical Magazine* brings together in the April number a series of statements controverting the notion that society in eastern Virginia in the first half of the nineteenth century was feudalistic, a notion promulgated at the beginning of the century by William Wirt in *The British Spy*. The *Quarterly* also prints an interesting letter from Wirt to Judge St. George Tucker, August 16, 1815, concerning the manuscript of his *Patrick Henry*, and Judge Tucker's notes of criticism. Other articles are: a narrative (1798) of Col. John Stuart concerning the settlement of Greenbrier County, a continuation of the notes from the records of York County, and some extracts from the diary of Edmund Ruffin (1864) concerning the conduct of the negroes during the war.

During the year the Virginia Society of Colonial Dames will publish a volume of abstracts of the wills of old Lower Norfolk and Norfolk County, Virginia.

Professor J. M. Callahan has prepared a *Semi-Centennial History of West Virginia, with Special Articles on Development and Resources*, which is published by the Semi-Centennial Commission.

The North Carolina Historical Commission has issued for the use of the members of the general assembly *A Manual of North Carolina*, a stout volume of 1053 pages containing, besides the documentary, descriptive, statistical, and biographical material usual in such volumes, a register of colonial and state officials, executive, legislative, and judicial, 1662-1913, prepared with great care and filling nearly 600 pages. The utility of such volumes for historical purposes needs no emphasis.

The John P. Branch Historical Papers, vol. IV., no. 2 (June), contains biographical studies of James McDowell (1795-1851), governor of Virginia and member of Congress; of James Barbour (1775-1842), governor, United States senator, member of the Cabinet, and minister to England; and of Rev. Samuel Davies (1723-1760), minister in Virginia and president of Princeton College. These studies are by E. P. Nicholson, W. S. Long, and J. G. Hughes, jr., respectively. There is also in the volume an interesting series of letters from General Thomas Gage, addressed to officers at Fort Chartres, 1766-1772, drawn from the George Rogers Clark papers recently brought to light in the Virginia State Library.

Mr. D. E. Huger Smith publishes in the January number of the *South Carolina Historical and Genealogical Magazine* a history, largely documentary, of Wilton's statue of Pitt, erected in Charleston in 1770. In Judge Henry A. M. Smith's series of articles on the baronies of South Carolina are accounts of Raphoe, Tomotley, and Malling baronies.

The Agrarian Revolution in Georgia, 1865-1912 (*Bulletin of the University of Wisconsin*, no. 639, pp. 129), by Professor R. P. Brooks of the University of Georgia, is a valuable study of the radical alterations in agricultural methods of management resulting from altered conditions since the Civil War. The investigation shows an almost complete breakdown of the plantation system, with the gradual development of two or more types of tenancy, and at the same time the growth of small ownerships. The latter half of the study is devoted to an examination of conditions and methods prevailing in recent years, including the land-tenure movement, distinguishing the sections of the state, as the mountain counties, the upper piedmont region, the black belt, the wiregrass, and the coast country. The principal material used in the study is the data collected by the author in 1911 when acting as expert special agent for the agricultural division of the Bureau of the Census.

Volume XIV. of the *Publications* of the Mississippi Historical Society (pp. 325), edited by Professor Franklin L. Riley, contains an extended and critical study, by Dr. Cleo Hearon, of the struggle in Mississippi over the Compromise of 1850. Although the people of Mississippi were at this time practically unanimous in support of slavery as an institution there was a sharp conflict of opinion over the policy to be pursued in its defense. Even when opinion was crystallized in favor of secession as a settled policy a further controversy was waged over the

question whether it was a constitutional or only a revolutionary right. Another valuable and interesting paper in the volume is an account, by Captain J. S. McNeily, of Barksdale's Mississippi Brigade at Gettysburg. A paper of local interest is County Seats and Early Railroads in Washington County, by Henry T. Ireys, who was concerned in building the first railroad through the county in 1878 and was for some years the general manager of the Greenville, Columbus, and Birmingham Railroad, now a part of the Southern.

The Celebration of the Centenary of the Supreme Court of Louisiana (pp. 66) embodies a record of the commemorative exercises of March 1, 1913, which included the presentation of papers dealing with phases of the court's history. The most elaborate of these papers is a history of the court (pp. 6-37), by Mr. Henry P. Dart. The jurisprudence of the court is discussed by Mr. Charles P. Fenner, the Louisiana Bar, 1813-1913, by Judge T. C. W. Ellis, while brief sketches of the justices of the court from the territorial organization to the present time are given by Mr. William K. Dart.

The *Second Biennial Report* (1911-1912) of the Texas Library and Historical Commission includes a list of the transcripts from the British Public Record Office obtained by the State Library and also a list of those obtained from the archives of Mexico. Transcripts from Mexican archives have been made in triplicate through the associated effort of the State Library, the University of Texas, and the University of California, and a copy deposited in each of the associating libraries. Bound with the *Report* is a *Calendar of the Papers of Mirabeau Buonaparte Lamar* (pp. 355), prepared by Miss Elizabeth H. West, archivist. The Lamar papers were recently obtained by the State Library by purchase from Mrs. Loretta Lamar Calder, the daughter of President Lamar. These papers are especially rich in materials for the history of Texas from 1821 to 1841 and also contain materials pertaining to Nicaragua and Costa Rica in 1858 and 1859, the years when Lamar was minister to those countries.

At the April meeting of the board of regents of the University of Texas, Major George W. Littlefield, C. S. A., one of the regents, established a fund of twenty-five thousand dollars for the collection of material for "the full and impartial study of the South and of its part in American history". The fund now yields six per cent. interest. After twenty-five years the principal may be used, if necessary.

The April number of the *Southwestern Historical Quarterly* contains two valuable contributions to the early history of Texas missions, the Founding of the Missions on the San Gabriel River, 1745-1749, by Professor Herbert E. Bolton, and the Apache Mission on the San Sabá River: its Founding and its Failure (1750-1758), by W. E. Dunn. Both studies are based on materials obtained by Professor Bolton in the Mexican archives.

The Arthur H. Clark Company has brought out *Athanase de Mézière and the Louisiana-Texas Frontier, 1768-1780*, a collection, in two large volumes, of documents pertaining to southwestern history, translated into English, edited, and annotated by Professor Herbert E. Bolton. The documents have been drawn chiefly from the archives of Mexico and Spain, but in part also from the Bancroft and other collections.

The Beginnings of Spanish Settlement in the El Paso District (97 pp.), by Anne E. Hughes, is a separate from the *University of California Publications in History*, vol. I., no. 3. The study pertains principally to the years 1680-1685 and is based primarily upon documents recently brought to light in the Mexican archives by Professor Bolton.

The West in the Diplomacy of the American Revolution, by Paul C. Phillips, appears in the University of Illinois series of *Studies in the Social Sciences*.

The Ohio State Archaeological and Historical Society dedicated on May 30 a large and handsome new building for its museum and library at Columbus.

Professor John William Perrin, librarian of the Case Library, has brought out in a small edition (Cleveland, A. H. Clark Company) a valuable *History of the Cleveland Sinking Fund of 1862*.

The paper of chief importance in the March number of the *Indiana Magazine of History* is *County Seats and County Seat Wars*, by E. V. Shockley. Among the other articles is a brief account of the newspapers of Rush County, by John F. Moses.

The Illinois State Historical Library has issued *Travel and Description, 1765-1865; together with a List of County Histories, Atlases, and Biographical Collections, and a List of Territorial and State Laws* (Collections, vol. IX., Bibliographical Series, vol. II.), by Dr. Solon J. Buck. The book is, in fact, three bibliographies bound in one volume, for each of which Dr. Buck has prepared a useful introduction, as well as extensive bibliographical and critical annotations. By means of a system of key letters it is shown at a glance in which of fifteen important libraries a copy of the work mentioned may be found. The section on travel and description, which is more than half the volume (252 pp.), aims to include all books containing descriptions, even though brief, of the territory now included in the state of Illinois. The scope of the bibliography is therefore much wider than the state. The introduction to the bibliography of county histories, etc. (pp. 253-382), is particularly useful for its history of the making of county histories in Illinois and its account of the methods employed. The list is brought down to the present time. The bibliography of territorial and state laws (pp. 383-426) covers the period from 1788 to 1913. The volume is equipped with an extensive index.

The Development of Banking in Illinois, 1817-1863, by G. W. Dowrie, has been included in the *University of Illinois Studies in the Social Sciences*.

The May number of the *Register of the Kentucky State Historical Society* contains a sketch of Rear-Admiral James E. Jouett (1828-1902), by George Baber.

The Michigan Historical Commission has issued as Bulletin no. 3, *A Sketch of Historical Societies in Michigan*, by Dr. George N. Fuller.

The State Historical Society of Wisconsin has acquired by gift the papers and library of L. H. Weller, member of Congress from Iowa, 1882-1884. The manuscripts number about 10,000 pieces and have their chief value in material bearing upon the history of the greenback and populist movements. The library contains several hundred pamphlets dealing with the paper-money question. The society has recently acquired by purchase 36 volumes of the *London Gazette*, covering the years 1811-1829, and now has in its library a continuous file of the *Gazette* from 1768 to 1840. The new wing of the society's building has been finished and opened for occupancy. This completes the architectural unity of the building as originally designed.

Articles in the January number of the *Annals of Iowa* are: Early Iowa Indian Treaties and Boundaries, by Col. Alonzo Abernethy; a record of attempted lynchings in Iowa, by P. W. Black; and Establishment of the Diocese of Iowa, Protestant Episcopal Church of America, by Rev. Francis E. Judd.

Two extended articles in the April number of the *Iowa Journal of History and Politics* are a history of the Forts in the Iowa Country, by Jacob Van der Zee, and an investigation of the Defalcation of Superintendent James D. Eads, by Thomas Teakle. Eads was state superintendent of public instruction, 1854-1857, and the funds involved were those derived from the sale of school lands. Two documents of interest appear in this number. The one, under the title "French Expedition against the Sac and Fox Indians in the Iowa Country, 1734-1735", is the narrative of Captain Nicolas Joseph de Noyelles, reprinted from the *Collections*, vol. XVII., of the State Historical Society of Wisconsin, with an introduction by Jacob Van der Zee; the other, under the title "The Quakers of Iowa in 1850", is a portion of the journal of Robert Lindsey, an English Quaker who came to the United States in 1846 and travelled extensively among the Quakers in this country. The journal is edited with introduction and notes by Dr. Louis T. Jones, whose volume, *The Quakers of Iowa*, was recently published by the State Historical Society of Iowa.

The Missouri Historical Society has recently received some valuable and interesting collections of manuscripts, which contain much matter pertaining to the military and commercial history of Missouri: a number

of original papers and letters of Auguste Chouteau; a collection of manuscripts belonging to Henry G. Soulard; 482 letters and manuscripts, mostly political and military, of the Civil War period, presented by Dr. John F. Snyder of Virginia, Illinois; and a large and unique collection of modern Indian articles—wearing apparel, weapons, and ceremonial objects, mainly of the Sioux and Cheyenne tribes.

Slavery in Missouri, 1804-1865 (pp. 259), a recent number of the Johns Hopkins University *Studies in Historical and Political Science*, by H. A. Trexler, is especially valuable as a study of definite facts and conditions of slavery in a definite region. Especial attention is given to slavery as an economic system in Missouri, tax books, court records, and many private papers and records being drawn upon for material. Among the other topics treated at length are the legal and social status of the slave, the slavery issue in the churches, the effect of the free state of Kansas on slavery in Missouri, and an examination into the extent and methods of manumission.

Among the articles in the April number of the *Missouri Historical Review* are: Fort Orleans, the first French Post on the Missouri, by M. F. Stipes; and Echoes of Indian Emigration, by David W. Eaton.

The third volume of the Nebraska State Historical Society's *Constitutional Convention* series has come from the press. Vol. XVII. of the society's *Collections* is in the hands of the printer.

Old Santa Fé: a Magazine of History, Archaeology, Genealogy, and Biography, the publication of which was inaugurated in Santa Fé, New Mexico, in July, 1913, is printing a history of New Mexico under Mexican Administration, 1821-1846, by Rev. L. B. Bloom. The July, October, and January numbers bring the history down to the year 1832. Other articles are: a biographical account of Kirby Benedict, a federal judge in New Mexico, 1853-1871 (July number), by R. E. Twitchell; a history of the Taos Rebellion, 1846-1847 (October number), by E. B. Burton; and the Re-Conquest of New Mexico, 1692: Extracts from the Journal of General Don Diego de Vargas Zapata Luján Ponce de León (January).

The Mining Advance into the Inland Empire (pp. 254), by William J. Trimble, professor of history and social science in North Dakota Agricultural College, is issued as a *Bulletin* of the University of Wisconsin (no. 638). It is described on the title-page as "a comparative study of the beginnings of the mining industry in Idaho and Montana, eastern Washington and Oregon, and the southern interior of British Columbia; and of institutions and laws based upon that industry". The work includes an historical survey of the mining advance, covering the years 1855-1870; treatment of the economic and social aspects; and finally an examination into the establishment of government and law in British Columbia and in the American territories. The author has made use of a variety of manuscript sources in the Montana Historical

Library at Helena, the Library of the Academy of Pacific Coast History, and the Provincial Library and Archives of British Columbia.

The Washington State Library has issued a *Subject Index to the History of the Pacific Northwest and of Alaska* (pp. 341) as found in the United States government publications, 1789-1881, including the *American State Papers*.

The principal article in the April number of the *Washington Historical Quarterly* is the continuation of the Journal of John Work. Professor Edmond S. Meany contributes an installment of a journal (beginning in March, 1792) kept by a member of the crew of the *Chatham*, consort of Vancouver's ship *Discovery*. The journal was discovered in a London book-store by Mr. A. H. Turnbull of Wellington, New Zealand.

America and the Philippines, by Carl Crow, deals especially with industrial development of the islands under American administration (Doubleday, Page, and Company). The late Mr. LeRoy's *The Americans in the Philippines*, announced in our last number, has been published (Houghton Mifflin) and will soon be reviewed.

The Canadian government has issued (Ottawa, 1914, pp. 576; sessional paper no. 29c) the second volume of *Documents relating to the Constitutional History of Canada, 1791-1818*, edited by Dr. A. G. Doughty, the archivist of the Dominion, and Mr. Duncan A. McArthur. The volume continues that published by Messrs. Doughty and Short in 1907 on much the same plan, but with ampler annotations. Commissions, instructions, proclamations, acts, opinions, journals, despatches, reports, in great number, enable the student to follow Canadian constitutional history in much detail and under expert guidance.

The *Review of Historical Publications relating to Canada*, vol. XVIII. (publications of the year 1913), edited by George M. Wrong, H. H. Langton, and W. Stewart Wallace, maintains the high character of the publication for judicious and scholarly reviews, several of which are written by others than those whose names appear on the title-page. For instance, five of the principal books bearing upon Canada's relations to the empire are reviewed by Professor Edward Kylie of the University of Toronto, and two of the books upon the War of 1812 are reviewed by Lieutenant-Colonel E. A. Cruikshank, who himself brought out two volumes on the period during the year. As usual also the scope of the volume is large, as it includes works that only incidentally or to a minor extent bear upon Canadian history, as well as works of a semi-historical character, on geography, economics, archaeology, etc. Nearly half of the 245 pages of the volume are given over to works of the latter sorts. The output of strictly historical books and articles of high character during the year is noteworthy.

A two-volume *Histoire du Protestantisme Français au Canada et aux États-Unis* (Lausanne, Bridel, 1913, pp. viii, 396; 342) has been written by R. P. Duclos.

Professor N.-E. Dionne of Laval University has compiled a dictionary of *Les Canadiens-Français, Origine des Familles Émigrées de France, d'Espagne, de Suisse, etc., pour venir se fixer au Canada, depuis la Fondation de Québec jusqu'à ces Derniers Temps, et Signification de leurs Noms* (Quebec, Garneau; Montreal, Granger, 1914, pp. xxxiii, 611). Information is given concerning about 9000 family names which will be useful to historians and genealogists in the United States as well as in Canada.

Among the contents of the *Ninth Annual Report* (1912) of the Bureau of Archives of Ontario are the journals of the Legislative Assembly of Upper Canada, 1812-1818.

Professor Wilbur H. Siebert's paper on *The American Loyalists in the Eastern Seigniories and Townships of the Province of Quebec*, printed in the *Transactions of the Royal Society of Canada*, third series, vol. VII., has been issued separately.

It is announced that Mr. Beckles Willson, author of *The Life and Letters of James Wolfe*, and *The Romance of Canada*, will write the official biography of Lord Strathcona.

The *Boletín del Archivo Nacional* (Cuba) prints in the January-February and March-April numbers seventeen documents of the "Correspondencia de los Intendentes Generales de Hacienda de la Isla de Cuba con el Gobierno de España", 1746, and continues the documentary record of the "Gran Legión del Aguila Negra" (see above, p. 731). The earlier number contains also the report, November 3, 1817, of Juan Ventura Morales to Alejandro Ramírez, intendant of Cuba, concerning the aggressions of the United States upon Spanish territory in the Floridas (see Pérez, *Guide*, p. 108).

The Mexican People: their Struggle for Freedom, by L. Gutiérrez de Lara and Edgcumb Pinchon, presents Mexican history of the last hundred years wholly from the point of view of the native Mexican. It is a plea in the case of "the people" versus the "master class". This master class is represented as exploiting Mexico for their own aggrandizement, in later years in league with capitalistic adventurers of the United States and other countries. The clergy are likewise denounced for their betrayal of the cause of the people. Diaz is subjected to the severest excoriation and Madero receives scant sympathy. Fundamentally the Mexican problem is agrarian, the solution democratization of the land. This is the theme of the book, if it has a theme. Its purpose is clear enough, the justification of the present revolution. Of judicious weighing of evidences there is none, of historical value but little.

The third volume of *La Diplomacia Mexicana*, of which the first volume was published in 1910, has now appeared. The work emanates from the department of Relaciones Exteriores.


A *Digesto de Relaciones Exteriores* of Argentina, 1810-1913, has been issued by the Departamento de Relaciones Exteriores y Culto.

Noteworthy articles in periodicals: W. S. Wallace, *New Light on the Vinland Voyages* (Canadian Magazine, April); Alvarado in *El Salvador* [Letter of Pedro de Alvarado to Hernando Cortes, July 28, 1524, translation] (Pan-American Magazine, May); Henri Gravier, *La Colonisation de la Louisiane*, cont. (La Nouvelle Revue, April 15); F. T. Hill, *Adventures in American Diplomacy*: I. *The Affair of X, Y, and Z*; II. *The Inside History of the Louisiana Purchase* (Atlantic Monthly, April, May); Gaillard Hunt, *William Thornton and John Fitch* (Nation, May 21); J. Basdevant, *Deux Conventions peu connues sur le Droit de la Guerre: États-Unis d'Amérique et Grande-Bretagne, 12 Mai 1813, Colombie et Espagne, 26 Novembre 1820* (Revue Générale de Droit International Public, January-February); H. J. Ford, *Disorderly States* (Atlantic Monthly, May); W. M. Sloane, *Some Uses of American Parties* (Harper's Monthly, June); A. R. H. Ranson, *Reminiscences of the Civil War by a Confederate Staff Officer*, III. (Sewanee Review, April); C. O. Paullin, *A Half Century of Naval Administration in America, 1861-1911*, XI. (U. S. Naval Institute Proceedings, March-April); E. A. Ross, *The Germans in America* (Century Magazine, May); E. A. Ross, *The Scandinavians in America* (*ibid.*, June); A. G. Dewey, *The Beginnings of British Commerce at Montreal* (Canadian Magazine, May); J. E. Wetherell, *John Galt, Founder of Cities* (*ibid.*, May); P. de Arrilucea, *Los Agustinos en México en el Siglo XVI.*, cont. (La Ciudad de Dios, April 20); Leopold Lugones, *Le Panaméricanisme* (Revue Sud-Américaine, January); R. de Manjarrés, *Proyectos Españoles de Canal Interoceánico* (Revista de Archivos, Bibliotecas, y Museos, January); A. S. Tuaner, *La Révolution de Panama, 3 Novembre 1903* (Revue d'Histoire Diplomatique, April); M. Serrano y Sanz, *Biografía de D. Diego Ladron de Guevara, Obispo de Panamá, Guamanga, y Quito, Virrey del Perú* (Revista de Archivos, Bibliotecas, y Museos, January); L. Drago, *Les Origines de nos* [South American] *Institutions* (Revue Sud-Américaine).

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